

# CONFIRMATIONS

*Executive nominations confirmed by the Senate March 26 (legislative day of March 24), 1928*

## UNITED STATES COAST GUARD

Isaac E. Johannessen to be chief boatswain.

## COAST AND GEODETIC SURVEY

### To be aides

Laurence Wilbur Swanson.

Gilbert Rolland Fish.

Franklin Rice Gossett.

Ernest Bane Lewey.

John Clarence Mathisson.

Rolland Alson Philleo.

Harold Joseph Oliver.

George Anton Fredrickson.

George Edward Morris, jr.

## PROMOTIONS IN THE ARMY

### GENERAL OFFICERS

Briant Harris Wells to be major general.

Peter Edward Traub to be brigadier general.

### APPOINTMENT, BY TRANSFER, IN THE ARMY

Mark Histan Doty to be first lieutenant, Field Artillery.

Edward Himmelwright Tarbutton to be lieutenant colonel, Infantry.

### APPOINTMENT, BY PROMOTION, IN THE ARMY

Edwin Simpson Hartshorn to be colonel.

William Bryden to be lieutenant colonel.

Donald Cowan McDonald to be lieutenant colonel.

Walter Eyster Buchly to be major.

Harold Chittenden Mandell to be major.

Robb Steere MacKie to be captain.

Boniface Campbell to be captain.

Lloyd Marlowe Hanna to be captain.

James Willard Walters to be captain.

Eugene Ware Ridings to be first lieutenant.

Charles Woodford Cowles to be first lieutenant.

Kenneth Eugene Webber to be first lieutenant.

Alexander Davidson Reid to be first lieutenant.

Joseph Richard Koch to be chaplain, with rank of first lieutenant.

## PROMOTIONS IN THE MARINE CORPS

Robert Y. Rhea to be colonel.

Joseph A. Rossell to be lieutenant colonel.

Alphonse DeCarre to be major.

John C. Wemple to be captain.

Curtis W. LeGette to be captain.

Joseph H. Fellows to be captain.

James G. Hopper to be first lieutenant.

William R. Hughes to be first lieutenant.

Lawrence R. Kline to be first lieutenant.

John G. Walraven to be first lieutenant.

William W. Paca to be first lieutenant.

Frank O. Lundt to be chief marine gunner.

Henry Boschen to be chief marine gunner.

Robert C. Allen to be chief marine gunner.

## POSTMASTERS

### CALIFORNIA

Frances L. Musgrove, Arbutle.

Wilford J. Scilacci, Point Reyes Station.

### KANSAS

Ethel White, Merriam.

James M. Lear, Mound Valley.

### MISSISSIPPI

Susan R. T. Perry, Tchula.

### MISSOURI

John A. Varney, Paris.

### NORTH CAROLINA

Joseph B. Harrell, Marshville.

James E. Wallace, Stanley.

### OKLAHOMA

Ira A. Sessions, Grandfield.

Thomas H. Gillentine, Hollis.

William H. Jones, Kiefer.

James W. McKay, Stonewall.

Margaret E. Williamson, Wanette.

Bernice Pitman, Wankomis.

## VERMONT

Sanford A. Daniels, Brattleboro.  
Robert A. Slater, South Royalton.

## VIRGINIA

Ludema Sayre, Fairfax.

# HOUSE OF REPRESENTATIVES

MONDAY, March 26, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed, blessed Lord—the Father of us all—in Thee we have a refuge in every time of need. When temptation is nigh and human courage is at the test, Thou art near; when problems perplex and the way is uncertain, Thou dost help us to understand; when the clouds are lowering and earth's pathway is hard and forbidding, Thou art at our side to revive the fainting heart; even when the sky is radiant and there is no cloud to cast a shadow, Thou dost counsel wisdom. O we praise Thee that Thou dost come into the hearts of men, like a happy sunlight, and bid them rejoice and be glad. Whisper words to us to-day that shall teach us lessons of priceless worth. Give us the understanding heart that shall rebuke all wrong and that shall exalt the right. Bless our country, all the States and all our firesides from border to border. May peace, happiness, and prosperity bless every room in our national mansion. As sons of God may we arise in gratitude for all the blessings of life and may we know that there is nothing so royal as truth and there is nothing so kingly as love. Amen.

The Journal of the proceedings of Saturday, March 24, 1928, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion;

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; and

S. 3611. An act to authorize the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes."

## SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3611. An act authorizing the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; to the Committee on Interstate and Foreign Commerce.

#### COMPULSORY UNEMPLOYMENT INSURANCE

Mr. BERGER. Mr. Speaker, I have introduced a bill for compulsory unemployment insurance. I ask unanimous consent to extend my remarks on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker, in connection with the discussion which is taking place concerning the problem of unemployment, I desire to call the attention of the House to my bill (H. R. 12205), which provides for the establishment of a Federal compulsory unemployment insurance system similar to the one now in vogue in other modern industrial nations.

It is a sad commentary on the state of our social reform legislation that the only time unemployment receives any consideration at all—and then mighty little—is when it reaches such proportions that it becomes impossible for those in power to pretend not to see it, or on the eve of a presidential election, when political capital can be made of the situation by one of the contenders for the nomination raising the issue so that it can no longer be dodged.

As a matter of fact—and any student of industrial and economic conditions will verify this—unemployment is not an accidental condition, nor caused by the laziness of individuals.

Every civilized country where the present capitalist system prevails has recognized that unemployment is an inevitable and inescapable condition of our industrial system, which always requires an army of unemployed, as a sort of reserve.

The size of that "reserve army" will vary, but in the United States it is never less than 1,000,000, and in times of business depression it reaches the staggering proportions of 3,000,000, 4,000,000, or 5,000,000.

The distress in which these millions of people and their dependents find themselves could be relieved if they had saved enough during the periods in which they were employed to keep them in times of unemployment.

But an examination of what it costs for the average-sized family to live, and what the average worker earns while employed, discloses that the large majority of our people—76,000,000 of them, according to official Government figures—do not earn enough to lay anything by for such emergencies as sickness, unemployment, or old age.

And fully between 10,000,000 and 12,000,000 of our people do not get enough to live on while they do work, as I had occasion to show during the discussion on the income tax bill.

If these people and their dependents are not to be permitted to starve, in the face of an abundance which their labors helped create, relief must come either from private charitable institutions, bread lines, and soup kitchens, or it must come as a result of an organized and scientific system of unemployment insurance.

Charity, whether public or private, is degrading to people who are ready and willing to work. There are many who prefer to die of starvation or commit suicide rather than resort to it.

Moreover, public charity is a costly method, as a large part of what charity collects for its activities goes to pay for salaries, drives, and incidentals. And it is inefficient when the demands made upon it become general. At such times it is also impossible for private relief agencies to take care of the situation.

The other method, a system of compulsory unemployment insurance, enables the worker to obtain a claim to come forward as a creditor and no longer to be regarded as an object of charity, since he paid for his share of the insurance. This unemployment insurance is not a dole.

This is the method used to meet the problem by other industrial nations. They know that it must be faced, and that it can only be faced satisfactorily and efficiently by compulsory unemployment insurance. England, Germany, Italy, the Scandinavian countries, Belgium—in fact, every industrial country of Europe—has adopted this method.

My bill establishes a system whereby the obligation of each group in society towards meeting what is a social problem can be discharged on a fair and equitable basis.

The wage earner, while he is employed, contributes one-third of what it will be necessary to raise any one year, to take care of the unemployment relief. The employer of labor, for whose profit the wage earner works and who discharges the worker after he has created a surplus which the employer finds it difficult to dispose of, contributes another third. And the

Government, which has a primary interest in preventing widespread distress because of the effect such distress has upon the social fabric, pays the balance.

To avoid the possibility of some depending upon this kind of relief even when work is available, I have provided that the unemployment benefits shall not be paid where suitable employment can be furnished to an applicant by any of the branch offices of the United States Employment Service, which will aid in administering the provisions of the law.

There is also this: The benefits under the act are limited to six months in any one year, and the payments are never to exceed more than 50 per cent of the average earnings of the applicant. There is no inducement in this for men to stay out of work when there is work, no inducement to become lazy, but there is at least sufficient relief provided to keep workmen and their families from starvation when there is no work to be found.

I have been asked by Members of Congress what it would cost the Government to provide the one-third that it will have to pay into the fund. In ordinary times, when the number of unemployed does not exceed more than 1,000,000, I have estimated that the Government's contribution to the fund for six months of the year would have to be between \$90,000,000 and \$100,000,000 annually. It would temporarily increase in times of depression according to number of unemployed, but it ought never to reach a larger sum than \$350,000,000 even in a great and continuing industrial crisis—what is called a "panic" in common parlance.

That ought not to be considered a formidable sum by those of this House who have been clamoring for and voting tax relief for the superwealthy every time Congress met. The present House has voted a reduction of about \$225,000,000 in taxes of the rich. That money—the loss of which would hardly be felt by the superwealthy—would take care of America's participation in this fund for several years.

And if we take into consideration the fact that the aggregate amount saved to our plutocracy during the Harding-Coolidge administration is more than \$3,000,000,000—three thousand million dollars—we can not claim to be too poor to discharge our obligation to those who through no fault of their own are thrown out of employment.

In any event, my proposal has been tried in other countries, where similar conditions prevail, and found workable. These countries, not nearly as rich as ours, can afford to give this relief. It is undoubtedly needed.

I am confident that sooner or later my plan will be adopted, and the sooner it is adopted the less suffering and misery will our people have to undergo in the intervening years.

#### CALL OF THE HOUSE

Mr. DENISON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Anthony	Curry	Hughes	Oliver, Ala.
Arentz	Darrow	Irwin	Palmer
Auf der Heide	Davey	Jacobstein	Parks
Bacon	Dempsey	James	Quayle
Bankhead	Dickstein	Johnson, S. Dak.	Rainey
Beck, Pa.	Dominick	Kendall	Rathbone
Beedy	Douglas, Ariz.	Kless	Reed, Ark.
Black, N. Y.	Doutrich	Kindred	Robison, Ky.
Bohn	Dowell	Kunz	Sabath
Boies	Drane	Kurtz	Shallenberger
Borah	Drewry	Larsen	Sirovich
Boylan	England	Leech	Sproul, Ill.
Brand, Ohio	Estep	Lehlbach	Sproul, Kans.
Britten	Fish	Lindsay	Stevenson
Browne	Fitzgerald, Roy G.	Linthicum	Strong, Pa.
Bulwinkle	Frear	McDuffie	Strother
Burdick	French	McFadden	Sullivan
Bushong	Gambrell	McLaughlin	Sweet
Butler	Garrett, Tenn.	McSwain	Thompson
Carew	Gifford	Manlove	Tillman
Carley	Golder	Martin, Mass.	Vincent, Mich.
Celler	Goldsborough	Menges	Vinson, Ga.
Cochran, Pa.	Graham	Michaelson	Weller
Collier	Green, Iowa	Michener	White, Kans.
Connally, Tex.	Hall, Ind.	Moore, N. J.	Wood
Connolly, Pa.	Harrison	Moore, Ohio	Woodruff
Cooper, Ohio	Hooper	Morgan	Woodrum
Cramton	Hope	Morin	Wright
Crisp	Houston	Nelson, Wis.	Wyant
Cullen	Hudson	O'Connor, N. Y.	Yates

The SPEAKER. Three hundred and twenty-five Members have answered to their names, a quorum.



Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

FRANK O. LOWDEN

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Illinois [Mr. HOLADAY] for 15 minutes.

Mr. HOLADAY. Mr. Speaker, ladies, and gentlemen. Illinois has contributed her fair share of the men and of the ideals that have entered into, been a part of, and made possible the growth and development of our country. Permit me to mention only a few of her sons whose work is ended.

From the soil of Illinois Lincoln and Grant reached the White House; Stevenson became Vice President; Douglas, Trumbull, Logan, Yates, and Oglesby served with distinction in the Senate; Cannon and Mann have been powers in this House; and Davis was chosen to sit on the Supreme Bench.

As contributors to the economic progress of the country Armour and Swift, founders of the meat-packing industry, McCormick, as inventor of the first practical reaper, Pullman and his perfection of the sleeping car, and Funk, advocating improved methods of agriculture, take their places among the outstanding contributors to the progress of the Nation.

Really great men have much in common, and these men, classed among the greatest benefactors the Nation has produced, are not exceptions. They were all farm boys, imbued with the determination to achieve high places in their respective lines of endeavor, and the measure of success each attained is evidence of his worth.

When the name of a man is submitted, either by himself or by his friends, for consideration as a candidate for the Presidency of the United States, it is the privilege of the people of this country to survey thoroughly that man's background, to inquire into every phase of his past connections, and to scrutinize carefully the principles he advocates as binding, if elected.

In every State of the Union people are discussing Frank O. Lowden as the Republican candidate for President. Because of my somewhat close association with Mr. Lowden as Governor of the State of Illinois, I believe it entirely proper for me, of my own motion and on my sole responsibility, to speak about Mr. Lowden at this time. [Applause.]

During the later part of my 14 years as a member of the Illinois State Legislature Mr. Lowden served a four-year term as Governor of the State of Illinois. As I was at this time chairman of the committee which framed the Illinois Administrative Code and other outstanding measures of his administration, I came into close personal contact with the governor. About the only way to size up a man for the future is to weigh relatively his accomplishments in the past, and Governor Lowden's record speaks for itself.

Mr. Lowden was born in Minnesota and was reared on a farm in Iowa; taught school, studied law, and was admitted to the bar in Chicago. He built up and enjoyed for many years a large and profitable law practice. However, the love of farm life and an interest in the farmer's problems seem to have remained ever with him, and some 30 years ago he moved to his farm in Ogle County, Ill., where he has since devoted a large part of his time to practical agriculture and the problems of the farmer.

He has not only been interested in livestock breeding and grain growing in the Corn Belt of Illinois, but has been an extensive cotton grower in Arkansas. Still later he acquired farm property in Michigan, Texas, and Arizona. To-day he is one of the most extensive landowners in the United States and is at once one of the largest cotton planters of the South and a prominent dairyman in the North. I dare say he understands the problems of the cotton planter as well as my friends Representatives RANKIN and WHITTINGTON, of Mississippi. [Applause.] The stabilization of the cotton industry has claimed much of his time and efforts.

From 1905 to 1911 he was a Member of Congress, but declined renomination.

From 1917 to 1921 Mr. Lowden was Governor of Illinois. His record as chief executive of the State of Illinois was one of efficient administration during which business prospered and social conditions improved. Governor Lowden initiated the budget system in Illinois and was largely instrumental in the adoption of the same system by the National Government. The Illinois Administrative Code, perhaps the principal achievement of the Lowden administration, has been copied in a large part by a number of other States. It provided for the abolishment of some 125 separate boards and commissions and substituted in their places 9 executive departments.

Frank O. Lowden has never been a candidate for public office except to carry out a definite constructive program of advancement. [Applause.] He declined high office under McKinley. He has been offered Cabinet positions twice since. His State wanted him for a second term as governor, but his program had been carried out. He refused the most exalted diplomatic post in the world—the ambassadorship to the Court of St. James. He was nominated for Vice President over his own protest, and declined because he felt his field for service to the Nation lay elsewhere.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOLADAY. I prefer not to yield at present.

Mr. Lowden's position on the major political issues of the day has been fearlessly stated and is well known. From his past record and his public announcements allow me to briefly summarize his position.

#### CONSERVATION OF NATURAL RESOURCES

He has long been interested in the conservation of forests and minerals and believes that conservation of our natural resources is one of our major problems.

In order to call attention to his long-standing interest in the conservation of our natural resources, allow me to quote from his message to the Illinois General Assembly under date of January 8, 1919:

There are many thousand acres of land in Illinois which at the present time produce nothing, but which are suited to tree culture. Without encouragement, however, from the State, the owners of these lands are not likely to devote them to a crop which can not be harvested for possibly 50 years. The taxes upon these lands produce but little revenue to the State. If the State would exempt these lands from taxation upon the condition that they were planted to trees, with the provision that when the trees were harvested a proper tax would be collected upon the product, I believe that much of such land would become permanent forests, a source of revenue to their owners and to the State.

#### WELFARE OF INDUSTRIAL WORKERS

The true test of a country's greatness is the lot in life of the average men and women—the men and women of the shop, of the factory, and of the farm.

These are they who carry on the work of civilization, and a nation is strong in proportion to their well-being.

Whatever permanently improves their lot in life is best for all and best for the Nation.

As Governor of Illinois Mr. Lowden's attitude toward measures proposed for the betterment of wages, hours of labor, and working conditions of the laboring man and laboring woman was such as to merit and to receive the approval of organized labor in Illinois.

#### TARIFF

As a Member of Congress and as a private citizen, Mr. Lowden has always stood for the principle of a protective tariff. Addressing a gathering of farmers, he said:

Interest and taxes are a large part of the cash outgo of the farmer. It seems to me clear that it is therefore much better for agriculture and for the country to bring agricultural prices up to a parity with prices of other commodities than to bring the prices of the latter down to the level of agricultural prices. Now, it is conceivable that a Democratic tariff would reduce the general price level, but it would leave the great burden of interest and taxes untouched. The true policy is not to debase industry but to raise agriculture to the level of industry. That policy can not be maintained without a protective tariff.

For the reasons stated I believe that the farmers of America will work out of their difficulties more surely under a Republican protective tariff than under any tariff law the Democratic Party is likely to write.

[Applause.]

#### INLAND WATERWAYS

For many years Governor Lowden has been an active advocate of the development of our inland waterways. His work in this direction is a matter of public record in Illinois.

In referring to the development of waterways from the Great Lakes to the Gulf and from the Great Lakes to the sea, he said:

If we adopt a system of broad and comprehensive development of our waterways throughout all parts of the country, we shall have begun at least to check the rapid trend toward centralization which has been going on ever since the industrial age was inaugurated.

This is too big a proposition for geographical argument to play any part. Its benefits are too obvious and too great for the sole benefit of any part of the country. It affects the country so greatly as a whole, whether we can see it or not, that in the end it will prove itself to be best for every part of our country.

## PROHIBITION

On the prohibition question I quote from a public announcement made by Mr. Lowden. While this quotation is from a statement made recently, it is, nevertheless, a restatement of what has long been his stand on this question:

The eighteenth amendment is in the Constitution and is unlikely to be taken out, and as to proposals to permit the States to decide for themselves what percentage of alcohol to permit in liquor—the Federal Government can not abdicate in favor of the State when a mandate has been laid upon it by the Constitution.

It is as unnecessary to ask Frank O. Lowden if he is in favor of law enforcement as it would be unnecessary to inquire if President Coolidge is in favor of economy. [Applause.]

## FLOOD CONTROL

In an address delivered in Memphis, Tenn., on October 20, 1927. Mr. Lowden said:

Out of all the discussion which has followed the recent flood, two facts stand out clear. One is that the problem is a national problem of the first magnitude. The other is that the time has come for the formulation of a great, broad, comprehensive policy—a policy that recognizes that the problem is a complex one, involving not only the protection of the lower lands from overflow, but involving as well transportation, reforestation, water power, and soil erosion.

[Applause.]

My own idea as to how this can best be done is to create a mixed commission. And such commission should not be composed exclusively of the Engineer Corps. Able as that body is, it does not contain all the talent in the land. Nor is engineering ability alone required. Upon that commission should be experts in agriculture, in reforestation, in transportation, and in water-power development. The ablest men in these several fields, with the freshness of this disaster upon us, could be drafted to serve. That commission would be charged with a most impressive responsibility. It would be its duty to tame the waters in the richest portions of the North American continent to the uses of man.

In a more recent statement he said:

Flood control is a national problem, not local, and should be paid for by the Nation. The loss from floods is assessed against the Nation as a whole as well as against the particular districts affected, and the cost of prevention also should be distributed.

[Applause.]

## FARM RELIEF

Mr. Lowden has stated his position on farm relief in a clear and decisive manner. Said he:

The great problem before the country is the restoration of a proper balance between industry and agriculture in the interest of the sane, healthy development of the country. That means farm relief through some such plan as that contained in the much discussed McNary-Haugen bill, including the equalization fee, or some acceptable substitute.

Several years ago Mr. Lowden sensed the approaching agricultural difficulty. He traveled in Europe, where he studied the cooperative systems of Denmark and other European countries. While he supported vigorously the cooperative movement, he was one of the first to realize the need for a governmental agency to supplement the "cooperative" in the orderly marketing of agricultural products.

In his message to the Illinois General Assembly while governor, he said:

It is generally recognized that something must be done to stabilize the price of farm commodities and to prevent such price from falling below the cost of production. Agriculture is still our great fundamental industry. Unless it flourishes, nothing prospers. Let the price which the farmer receives for his output continue below the cost of production for any considerable length of time, and the volume of farm produce will fall below the needs of the Nation and prices will become abnormally high. Therefore, the consumer is no less interested than the producer in a profitable agriculture.

Farm relief legislation will not be sectional in effect; it will aid the labor and manufacturing of the East by stabilizing the farming industry in the agricultural States. The question of farm relief is quite as vital to the agricultural States as is the matter of protective tariff to the manufacturing States.

A Republican nominee for President who is opposed to farm relief will incite as much enthusiasm in the agricultural States next fall as would a free-trade nominee in New England. [Applause.]

We speak of the availability of a man as a candidate. By availability is meant his ability to secure votes. This ability depends upon the trust and confidence he can inspire in the hearts and minds of the men and women of America.

Let me suggest to the Republicans: Why not nominate a man who, in addition to carrying the East, the West, and the agri-

cultural States of the Middle West, will also be able to carry the border States?

Frank O. Lowden has been a lifelong Republican, always a resident of the United States, and has never been in favor of the League of Nations. [Laughter and applause.]

The record of Frank O. Lowden is in harmony with the principles of the Republican Party. He has consistently advocated all real constructive legislation.

Within the ranks of the Republican Party are many men who can lead the party to success in 1928. With some men leading, the fight will be hard; with others it will be desperate; but with Frank O. Lowden nominated the campaign will be easy and the victory will be assured. [Applause.]

## AUTHORIZING THE SETTLEMENT OF CERTAIN SUITS AT LAW

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street. This bill is on the Union Calendar, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia are hereby authorized and empowered to discontinue the prosecution of all claims and suits pending in the Supreme Court of the District of Columbia and entitled suits at law Nos. 63579, 63580, 63581, and 63582, to recover the sum of \$58,198.80 expended from public funds in resurfacing, repairing, and restoring to grade First Street east, between B Street south and B Street north, which work was rendered necessary by the subsidence of said street occasioned by the construction of a railroad tunnel under the said street incident to the project of elimination of grade crossings and the establishment of a union railroad station in the District of Columbia, authorized by acts of Congress approved February 12, 1901, and February 28, 1903: *Provided*, That the Philadelphia, Baltimore & Washington Railroad Co., the Pennsylvania Railroad Co., and the Washington Terminal Co., jointly or severally, pay to the collector of taxes of the District of Columbia a sum not less than \$30,000 in compromise and settlement of said claim or claims: *Provided further*, That said sum shall be covered into the Treasury of the United States to the credit of the United States and the revenues of the District of Columbia in equal parts.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a part of the report on the bill in explanation of the purpose of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I herewith insert the report of the Committee on the District of Columbia, reporting the bill S. 1279 to the House, which report explains fully the purpose of the bill:

[To accompany S. 1279]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report it back to the House with the recommendation that it do pass.

This bill is identical with H. R. 5759, which has also been considered by your committee, and in lieu of which it is reported.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than \$30,000, claims aggregating \$58,198.80, against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia, the outcome of which is considered quite doubtful if carried to trial.

The Commissioners of the District of Columbia urge favorable action upon this bill.

The facts of the case are fully set forth in previous reports of your committee and in Senate Report No. 24, Seventieth Congress, which is appended to and made a part of this report.

[S. Rept. No. 24, 70th Cong., 1st sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Colum-



bia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

This bill is the same as a bill (S. 5552) favorably reported by the committee and passed by the Senate in the Sixty-ninth Congress. It was introduced at the request of the District Commissioners, the purpose being to compromise certain lawsuits the outcome of which is quite doubtful if carried to trial. Full explanation is given in Senate Report No. 1521, Sixty-ninth Congress, second session, appended to and made a part of this report.

There is also appended to and made a part of this report letter from Col. J. F. Bell, former engineer commissioner of the District of Columbia, urging favorable action on the similar bill introduced in the Sixty-ninth Congress.

[S. Rept. No. 1521, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5552) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in said District, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than \$30,000, claims aggregating \$58,198.80 against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia.

The bill provides that the sum received in settlement of the claims shall be credited equally to the United States and the District of Columbia.

The basis of the claims is the agreement made with the District by one of the defendants at the time of the construction of the railroad tunnel south from the Union Station in the period from 1903 to 1905, to assume responsibility to the District for any damage that might result to public or private property.

The first subsidence of the street, and other property damage occasioned by settling of ground over the tunnel, occurred in 1907; and the claims of the District of Columbia arising therefrom were paid by the railroad company. However, in 1914 the street and adjoining property again subsided, and upon the failure of the railway and street railway companies to pay the cost of the necessary replacements and repairs, the suits which the bill authorizes to be compromised were brought.

Due to the fact that a similar case, involving a smaller amount, was tried in court and lost by the District, and for the further reason that two of the most important witnesses for the District of Columbia are dead, and the delay in hearing the cases in question would be a disadvantage to the plaintiff, the commissioners, acting on the recommendation of the corporation counsel, have advised the acceptance of the compromise offer of \$30,000, as proposed in the bill hereby reported. The defense of the railroad company to the District's claim is that it is not responsible for maintenance and that a lowered ground-water level, for which it could not be held responsible, was a contributing cause of damage.

In view of the apparently doubtful outcome of further prosecution of the suits, it would appear desirable to authorize compromise of the claims by enactment of the bill.

The commissioners' report, setting out in detail the origin, nature, and status of the claims, is appended to and made a part of this report.

There is also appended report of the Citizens' Advisory Council of the District of Columbia recommending enactment of the bill.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, January 31, 1927.

Hon. ARTHUR CAPPER,

United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: When the railroad tunnel south from the Union Station was constructed from 1903 to 1905 the work was done under permit issued by the Commissioners of the District of Columbia to the Philadelphia, Baltimore & Washington Railroad Co., by the New York Continental Jewel Filtration Co., contractor. The permit was worded with a view to making the railroad company responsible for any damage that might result to any public or private property. The plans for the work were approved by the commissioners. The railroad company wished to do part of the work by the "cut and fill" method, which would have been more economical, but in order to preserve the street surface and public facilities and improvements undisturbed and prevent interruption of traffic the work was required to be done by the "tunnel" method. Engineer inspection service was maintained at all times by the District government.

The danger of settlement over the tunnel was appreciated, because it is difficult to secure compact filling back of a tunnel lining when heavy timbering must be maintained to keep the earth overhead from caving; and then a tunnel is likely to change the ground-water level and loss of water from the soil may cause trouble later by water percolating through the soil from the surface. When the tunnel is far below the surface or is in rock these dangers are small. Orders were issued to use concrete in part of the back filling to reduce this danger of settlement.

In spite of the precautions taken, settlement has occurred and expenditures have been made as shown by the appendixes attached.

Appendix A is a statement of expenditures incurred by the District of Columbia.

Appendix B is a statement presented by McKenney & Flannery, attorneys, of the expenditures made by the Philadelphia, Baltimore & Washington Railroad Co.

Appendix C is a statement by the corporation counsel of the status of the cases at law which have grown out of this settlement.

The Pennsylvania Railroad has offered to pay \$30,000 as a compromise settlement of all pending cases, and the commissioners have been unable to secure any better compromise offer. If the matter be pressed in court the result would be somewhat doubtful. The wording of the permit for the construction and the fact that the railroad company recognized its obligations and paid for a considerable portion of the damage would indicate a favorable outcome, but the claim of the company that it is not responsible for maintenance, that a lowered ground-water level for which the railroad company could not be held responsible is a contributing cause of damage, together with the fact that a similar case was lost, would indicate an unfavorable outcome. In addition, two of the most important witnesses for the District of Columbia are dead, and the delay in hearing these cases would be a disadvantage to the prosecution.

On the recommendation of the corporation counsel, and after considerable investigation, the commissioners are of the opinion that the compromise offer of \$30,000 should be accepted.

Inclosed is a draft of a proposed bill authorizing the settlement at not less than \$30,000.

Very respectfully yours,

PROCTOR L. DOUGHERTY,

President Board of Commissioners, District of Columbia.

#### APPENDIX A

#### STATEMENT OF EXPENDITURES BY THE DISTRICT OF COLUMBIA IN RESTORING SURFACE CONDITIONS OVER RAILROAD TUNNEL IN FIRST STREET EAST, BETWEEN B STREET SOUTH AND B STREET NORTH

Settlements appeared in the street about the year 1907. The railroad companies were notified to make repairs. The companies asked that the District of Columbia perform the work and the railroad companies would pay the cost.

Thirty-seven thousand five hundred dollars was deposited by the railroads and the work was done by the District, using all but a small portion of the deposit.

The street again subsided about the year 1914. The steam and street railway companies were notified, but all refused to assume responsibility. The commissioners then ordered the tracks of the street railway companies adjusted, and the street resurfaced. This was done at the following costs:

(a) Raising to grade the tracks of railways.....	\$34,548.32
(b) Resurfacing, including track space.....	22,535.40
(c) Adjusting and repairing water mains.....	1,115.08
Total.....	58,198.80

On the theory that the railway companies were responsible for the upkeep of their tracks and track space, all of item (a), and the part of item (b) falling within the track spaces were billed to the street railway companies as follows:

Adjusting tracks (item (a))—	
Capital Traction Co.....	\$842.63
Washington Railway & Electric Co.....	19,730.69
Both companies (joint tracks).....	18,975.33
	\$34,548.32
Paving track space (of item (b))—	
Capital Traction Co.....	245.88
Washington Railway & Electric Co.....	2,394.36
Both companies (joint space).....	1,511.58
	4,151.82
Total.....	38,700.14
That part of item (b) outside of the limits of the track space, and the cost of repairing water mains, item (c), were billed to the steam railroads—	
Resurfacing (of item (b)).....	\$18,383.58
Repairing water mains (item (c)).....	1,115.08
	19,498.66
Total.....	58,198.80

<sup>1</sup> Actual cost of work, \$34,548.65; error of 33 cents made in report to corporation counsel.

This total of \$58,198.80 comprises all of the expenditures made by the District of Columbia, except some smaller items of work performed subsequent to the filing of suits, and which brings the total to be recovered to approximately \$60,000.

## APPENDIX B

STATEMENT SUBMITTED BY M'KENNEY & FLANNERY, ATTORNEYS FOR THE PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD CO.

Statement of expenditures which the Philadelphia, Baltimore & Washington Railroad Co. was required to make in consequence of settlement of First Street over tunnel:

<i>Restoring tracks and structures of the street railway companies</i>	
January, 1908, E. Saxon, contractor, restoring tracks between East Capitol and B Streets north.....	\$9,800.00
January, February, March, April, and May, 1908: Washington Railway & Electric Co., restoring tracks between East Capitol and B Streets north.....	\$457.01
Refunded by Washington Railway & Electric Co., on account of error in bill.....	6.89
January, 1908, 5.32 tons "ft" rail.....	450.12
February, 1908, Hauling cinders (Drake & Stratton).....	89.80
June, 1908, Digging test holes (Drake & Stratton).....	\$28.60
July, 1908, Digging test holes (Drake & Stratton).....	15.00
May, 1909, Repairing crossings, First and B Streets, and First and C Streets NE.....	32.55
May, 1909, Restoring tracks between B and C Streets north, Capital Traction Co.....	76.15
June, 1908: Judgment of Washington Railway & Electric Co. against Philadelphia, Baltimore & Washington Railroad Co., in action at law No. 50213 in the Supreme Court, District of Columbia, for work done and materials furnished in and about restoring and sustaining the plaintiff's street railway tracks on First Street, between B and East Capitol Streets.....	124.81
Amount paid railroad company on account of said judgment by contractor on notice by former to latter that it will look to it to save it harmless.....	2,270.12
Interest and costs paid by railroad company in said suit.....	1,855.75
Judgment in the suit of Capital Traction Co. and other street railway companies against the Philadelphia, Baltimore & Washington Railroad Co. in Supreme Court, District of Columbia, at law No. 50389, to recover for work done and materials furnished in restoring and sustaining plaintiff's railway tracks and structures at the intersection of First and C Streets NE.....	163.48
With interest and cost which the railroad company was compelled to pay to avoid execution.....	29.39
February and April, 1908, and February, 1909: Deposits made with District of Columbia to defray costs of restoring street surfaces (work done by District of Columbia under current contracts).....	192.87
Unexpended balance of deposits.....	4,823.67
Restoring electric light and telephone conduits and cables, which the contractor failed and refused to support, sustain, and restore:	323.99
March, 1908, Potomac Electric Power Co., restoring electric light cables.....	5,147.66
July, 1908, Chesapeake & Potomac Telephone Co., rod-ding ducts at First and B Streets NE.....	37,500.00
August, 1908, Potomac Electric Power Co., raising man-hole and repairing conduit, First and East Capitol Streets.....	2,008.98
Rebuilding wall on east side of United States Capitol Grounds:	35,491.02
November and December, 1909, E. Saxon, contractor, rebuilding wall which sunk and was damaged.....	829.97
Engineers' services and expenses—Expenses incurred from December, 1907, to February, 1910, inclusive, for services of engineers and inspectors and incidental expenses of same, while supervising all of the above work, including telephone calls, office rent, transportation, etc.: Engineer's services.....	2.68
Engineer's expenses.....	44.38
Labor inspecting.....	1,200.00
Judgment recovered against Philadelphia, Baltimore & Washington Railroad Co. in the suit of Jacob Karr against it and the contractor in the Supreme Court, District of Columbia, in action at law No. 49845 for damages to property of plaintiff located near the intersection of First and C Streets NE, growing out of the negligence of contractor in construction of tunnel under west side of First Street immediately adjacent to plaintiff's property; the contractor having successfully avoided service of process upon it, and having ignored notices of the railroad company to defend the action, railroad company was compelled, in order to avoid execution, to pay the judgment with interest and costs amounting in all to the sum of.....	1,873.23
	19,085.08

In addition to the judgment, interest, and costs, the railroad company was compelled to pay costs and expenses in defending said suit as follows:

Typewriting copy of opinion.....	\$3.25
Cost of testimony.....	96.25
Deposit to cover costs.....	5.00
Cost of record, docket fee, and deposit to cover costs in court of appeals.....	117.25
Premiums on bond.....	33.00
Cost of printing brief.....	49.20
Cost of transcript of record and Supreme Court.....	27.85
Cost of certificate of satisfaction, judgment.....	.50
	\$332.30

Amount paid Washington Railway & Electric Co. in August, 1916, in full settlement of judgment for \$4,067.17, with interest and costs, entered Feb. 20, 1915, in action at law No. 55203, Supreme Court, District of Columbia, affirmed by the Court of Appeals, District of Columbia, Mar. 24, 1916 (44 App. D. C. 470), not including legal expenses connected with the litigation, which were considerable.....

Total..... 82,335.75

There is also not including in this settlement any of the costs of the railroad company in defending the suit of the District of Columbia v. Philadelphia, Baltimore & Washington Railroad Co. et al., at law No. 54839 for damages to water main (\$3,936) which resulted in a verdict of the jury and judgment of the court in favor of the defendant April 12-13, 1920.

This statement also does not include payments made by the railroad company for the restoration of street-railway tracks subsequent to the aforesaid decision of the court of appeals.

## APPENDIX C

OFFICE OF CORPORATION COUNSEL,  
Washington, January 19, 1927.

Memorandum for the commissioners in re cases filed to recover damages arising out of the construction of the First Street tunnel

There were five cases filed by this office involving this matter. The first one, at law No. 54839, was brought against the Philadelphia, Baltimore & Washington Railway Co. and the New York Continental Jewel Filtration Co., the contractor which did the work, for the breaking of a 30-inch trunk water main—damages amounting to \$3,936. This case was tried before a jury and lost.

The other cases were:

At law No. 63579, D. C. v. Penn. R. R. Co., the P. B. & W. R. R. Co., and the Washington Terminal Co., to recover for restoring the surface of First Street occasioned by the sinking of the tunnel from 100 feet south to B Street south, to a point 100 feet north to B Street north, and the intersecting streets. This suit involved three principal items.

For damages to sidewalk, curb, and roadway, with interest from Sept. 11, 1917..... \$22,535.40  
For restoring the surfaces of the tracks caused by the sinking, with interest from Apr. 15, 1917, and the claims for water mains amounting to \$1,115.08..... 34,548.32

This last claim was made up of three items:

For injury to a 30-inch and 20-inch water main at First Street east, and under East Capitol Street, with interest from June 30, 1917..... \$733.99  
For injury to a 20-inch main on B Street north at East Capitol, with interest from May 11, 1917..... 358.90  
For injury to a 6-inch main on First Street south to C Street north, with interest from June 25, 1917..... 22.19

At law No. 63580 was brought against the Washington Railway & Electric Co. for the sinking of the street between the tracks and for 2 feet exterior thereto on First Street, between East Capitol and B Street north. This is made up of two items:

For bringing the surface back to grade, with interest from Apr. 5, 1917..... \$19,730.69  
For paving between the tracks and 2 feet exterior thereto, with interest from Sept. 11, 1917..... 2,394.36

At law No. 63581 was brought against the Capital Traction Co. for the sinking of the streets between the tracks, as in the above suit, on First Street at or near B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917..... \$842.63  
For paving, with interest from Sept. 11, 1917..... 245.88

At law No. 63582 (the last suit) was brought against the Capital Traction Co. and the Washington Railway & Electric Co. for raising the street between the tracks, etc., as in the two foregoing suits, on First Street between B Street north and B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917..... \$13,975.33  
For paving, with interest from Sept. 11, 1917..... 1,511.58

In the first suit the amount for restoring the street surface and tracks was \$34,548.32. In the other three suits these amounts were \$19,730.69, \$842.63, \$13,975.33, making a total of \$34,548.65.

The difference between this total and the amount in the first suit was 33 cents, which suggests a duplication of accounts, which is confirmed by the fact that the payments were all made on the same day; that is, the 15th day of April, 1917.



It is impossible to determine with any degree of accuracy from the declarations in these cases what the duplications are or the amounts. The figures submitted by the engineer department are no doubt correct and should be accepted.

F. H. STEPHENS,  
*Corporation Counsel, District of Columbia.*

#### BONDS FOR COMPENSATION IN CRIMINAL CASES

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

The Clerk read the title of the bill, as follows:

A bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

Mr. LA GUARDIA. Mr. Speaker, on this bill I raise the question of consideration, and I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that on a regular District day the question of consideration is not in order because the District Committee is permitted by the rules to call up any bill it desires.

The SPEAKER. The question of consideration is proper on District day. Is there objection to the request of the gentleman from New York to proceed for five minutes?

There was no objection.

Mr. LA GUARDIA. Mr. Speaker, the reason I raised the question of consideration on this bill is not in respect to the merits of the bill at all. It is a good bill, and it ought to pass.

Mr. BLANTON. We could have given the gentleman five minutes without his going to all of this trouble.

Mr. LA GUARDIA. Will the gentleman wait a moment and give me a chance to say what I want to say? This bill should not have been referred to the Committee on the District of Columbia. Under the rules, all matters pertaining to the courts and to the local courts of the District of Columbia and the Territories are to be referred to the Committee on the Judiciary of the House.

Mr. BLANTON. Oh, the gentleman is mistaken about that.

Mr. LA GUARDIA. I am not mistaken about that.

Mr. BLANTON. All judicial matters pertaining solely to the District of Columbia rightfully go to the District Committee.

Mr. LA GUARDIA. I have not yielded.

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. No; not now. The gentleman is just as correct in that as he was a moment ago when he raised the point of order. There is a long line of precedents that hold that such a bill, and bills pertaining to the administration of justice, should be referred to the Committee on the Judiciary.

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. Not now. This bill, surely by erroneous reference, found its way to the Committee on the District of Columbia. I can not raise the question of jurisdiction at this time, because the rules and precedents hold that once a bill has been referred to a committee and reported back the question of jurisdiction can not be raised. This matter first came to the attention of the Committee on the Judiciary when the bill appeared on the Consent Calendar. I am acting by the direction of the Committee on the Judiciary in calling the matter to the attention of the House. The only parliamentary step we are able to take at this time under the rule is to raise the question of consideration and get proper reference of the bill. Gentlemen can readily see that unless there is uniformity with reference to bills it is very easy and possible to create a great deal of confusion, especially in matters pertaining to the administration of justice and to the rules of court.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BLANTON. The gentleman from New York is heartily in favor of this bill?

Mr. LA GUARDIA. There is no doubt about that.

Mr. BLANTON. And if it had come before his committee he would have been in favor of reporting it and passing it?

Mr. LA GUARDIA. Exactly.

Mr. BLANTON. And now that the bill is before the House for passage, and it being a good bill, and the gentleman being in favor of it, yet he is trying to put some obstacle in the way of its passage.

Mr. LA GUARDIA. The gentleman himself has raised the question of proper reference many times during our joint services in the House.

Mr. BLANTON. Only when I was against bills.

Mr. LA GUARDIA. Oh, no. The gentleman must admit that in a body of 435 men, with 44 committees, we must follow certain rules.

Mr. BLANTON. Whenever I am in favor of a bill that is good legislation and I believe it ought to pass, I am just as anxious to pass it when it comes on the floor of the House from any committee, no matter who sponsors it or from what committee it comes.

Mr. LA GUARDIA. Oh, the sponsoring of a bill has nothing to do with it. The gentleman follows the rules of the House. I have seen him rise many times and protest against the reference of certain bills, and no one has guarded more jealously than he the jurisdiction of his own committee, the Committee on the District of Columbia. Here is a bill about which there can be no question as to where it belongs, but with very many hundreds of bills dropped in the basket it is, of course, easy for a bill which refers to the District of Columbia to be referred to the Committee on the District of Columbia.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. GILBERT. I do not understand why the gentleman says that this bill unquestionably ought to have gone to the Committee on the Judiciary.

Mr. LA GUARDIA. The bill provides for improving the administration of justice in the District of Columbia.

Mr. GILBERT. That is really a sort of surplusage in the title. The Judiciary Committee has never even interfered with the courts or the jurisdiction of the courts of the District of Columbia except the higher courts. This bill only incidentally affects one of the higher courts. I hope the gentleman will address his remarks to this proposition.

Mr. LA GUARDIA. The gentleman will admit that the bill is penal in its character.

Mr. GILBERT. Certainly.

Mr. LA GUARDIA. That brings it entirely under the jurisdiction of the Committee on the Judiciary.

Mr. GILBERT. Lots of penal bills, and most of them affecting the District and the District solely, go to the Committee on the District of Columbia.

Mr. LA GUARDIA. Would an amendment to the Penal Code go there?

Mr. GILBERT. Not to the District Committee.

Mr. LA GUARDIA. Of course not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I do not wish to allow the statement made by the gentleman from New York [Mr. LA GUARDIA] as to the jurisdiction of the Committee on the District of Columbia to go unchallenged in the RECORD. I call the gentleman's attention to the fact that the District Committee has time and again dealt with matters of legislation affecting not only the minor courts of the District of Columbia but the higher courts of the District. The Committee on the District of Columbia has exercised jurisdiction as to bills relating to executors, administrators, wills, and divorce in the District of Columbia. It has reported a bill to allow foreign executors and administrators to sue in the District of Columbia, as shown by the fourth volume of Hinds' Precedents, section 4289.

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LA GUARDIA. If the gentleman will refer to section 4068 of the fourth volume of Hinds' Precedents, he will find a long list of bills there relating to the local courts in the District of Columbia, which have been reported by the Committee on the Judiciary.

Mr. ZIHLMAN. I understand that; and I will say to the gentleman that the jurisdiction of our committee over District matters pertains to both the minor and higher courts, and that has been held for a long time. In many instances jurisdiction over these bills has been exercised by the Judiciary Committee, but in many other instances it has been exercised by the District of Columbia Committee, and that committee has legislated on those matters; also on matters pertaining to the higher courts. As affecting lower courts, all questions relating to

jurisdiction in local courts has been handled by the Committee on the District of Columbia.

Mr. LA GUARDIA. Does not the gentleman think that bills of that kind would be part of the Penal Code and under proper parliamentary order would belong to the Committee on the Judiciary?

Mr. ZIHLMAN. I do not so construe it. The bill before the District Committee has to do with regulating professional bondsmen, who deal not only with bonds in the higher courts, but also in the lower courts.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Has it not been the case ever since the gentleman from New York [Mr. LA GUARDIA] has been here, that there has been a measure pending before the District Committee to do away with the death penalty in the District of Columbia? Is not that true?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And that committee had a bill passed here in the House to change the death penalty from hanging to electrocution, did it not?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And a bill was reported and passed here by the District Committee, providing a complete code on descent and distribution for the people of the District of Columbia?

Mr. ZIHLMAN. That is true.

Mr. BLANTON. The gentleman from New York, having admitted that this is a good bill and that he is in favor of it, and the rules of the House having provided that when a committee reports a bill it has jurisdiction, what other question is there before the House when we shall have disposed of the question of consideration except that we should pass the bill? It is a good bill.

Mr. ZIHLMAN. I wish to make a brief statement.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. In order to get the precedents before the House, will not the gentleman cite section 4291 of Hinds' Precedents, following section 4289?

Mr. ZIHLMAN. Yes; I am coming to that. In section 4290 of Hinds' Precedents, fourth volume, I read:

4290. The Committee for the District of Columbia has exercised jurisdiction as to the police and juvenile courts and justices of peace in the District. The Committee for the District of Columbia has exercised jurisdiction of legislation relating to the juvenile court and the police court of the District, and in 1906 reported on the subject of the justices of the peace, although in 1893 and 1895 the Judiciary Committee had exercised jurisdiction over bills relating to those offices.

Now I come to the section referred to by the gentleman from Illinois—section 4291. I read:

4291. The jurisdiction of the Committee for the District of Columbia as to matters affecting the higher courts of the District has been exceptional rather than general. The jurisdiction of the Committee for the District of Columbia over the District courts higher than the juvenile and police court has not been extensive, and such cases as have occurred seem exceptions to the rule that gives the general jurisdictions as to the courts to the Judiciary Committee.

In 1887 and 1891 the Committee for the District of Columbia reported bills relating to the reporter for the Supreme Court of the District, and even a bill for the regulation of the court itself; but in 1880 the Committee on the Judiciary had jurisdiction of the bill (H. R. 1809) to enable the courts to take cognizance of a case in which a citizen of the District of Columbia is a party.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER. Is there objection?

Mr. SCHAFER. On what subject?

Mr. BLANTON. On the subject the gentleman is now considering.

There was no objection.

Mr. ZIHLMAN. So that matters of a general nature pertaining to the judiciary of the District of Columbia have time and again been considered by the District of Columbia Committee. The jurisdiction of the Committee on the Judiciary, while it has sometimes obtained in matters affecting the higher courts, has been exceptional. The jurisdiction of the District Committee has existed from time to time.

Mr. BLANTON. Mr. Speaker, this is a question that has nothing in the world to do with courts. This is a question having to do only with bonds and professional bondsmen.

Mr. GILBERT. Suppose the bill referred to fiduciary bonds in the District of Columbia. Would the simple reason that they were executed generally before some court affect the court?

Mr. BLANTON. No. The gentleman's question answers itself.

If the Members of this House only knew what scandal there is in this District regarding the business of professional bondsmen, who have tips for them in this town, who in many instances are in league with law violators, and are protectors of law violators, knowing that they violate the law and stand behind them; if they knew half of the scandals that exist here, particularly my friend from New York [Mr. LA GUARDIA], who is one of the best lawyers here in the House, and who I consider to be a good legislator, and who I consider as far removed from bolshevism as our friend from Illinois [Mr. BRITTEN], and who I consider a loyal, patriotic, earnest, industrious legislator for the people, he would be the last man to throw a suggestion in the way of the passage of this legislation.

Our District Committee has been working hard on this matter for several years. We have been trying to get a bill out of our committee to cover this situation, and have been trying to do so for a long time. Our friend from Kentucky [Mr. GILBERT], who is a splendid lawyer, has been working on it; the gentleman from Vermont, Judge GIBSON, has been working hard on it; the gentleman from Michigan [Mr. McLEOD] has been working on it; and also the gentleman from Maryland [Mr. ZIHLMAN] has been working hard on it; and this bill has been before the committee for some time. My friend from New York [Mr. LA GUARDIA] says it is a good bill and that it ought to pass. He says he is in favor of it. Then let us pass it. Let us vote for consideration of it and pass it. If you vote not to consider it now, do you know how many years it will take to get such a bill here and out of the Committee on the Judiciary?

Mr. LA GUARDIA. About a week.

Mr. BLANTON. Oh, no. My friend from New York [Mr. STALKER], coming from the gentleman's State, has had a splendid bill pending there that has been sleeping the sleep of death for several sessions.

Mr. LA GUARDIA. The Stalker bill has been reported.

Mr. BLANTON. But it has never been brought up here on the floor of the House for passage, and it took several sessions, when it ought to have taken five minutes to have reported it out of the gentleman's Judiciary Committee. What is the use of voting against the consideration of this bill, which the sole objector to it says is a good bill and ought to be passed? He says it is fine legislation and ought to be enacted. What is the use of wasting further time on the question? In my judgment we ought to pass this bill in order to stop this scandalous professional bondsman practice that has been going on in this District, to the detriment of the people, for the last 20 years. [Applause.]

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I listened with a great deal of interest to the keynote speech delivered on the floor of this House a few minutes ago in behalf of the presidential candidacy of the distinguished gentleman from Illinois, Mr. Lowden. The keynoter indicated this presidential candidate's position on certain national legislation. His position, as given to the House, on the prohibition question, did not reflect much light as to where Mr. Lowden stands. We all know that any President who is elected by the people, be he Democrat or Republican, be he wet or be he dry, will see, to the best of his ability, that all of the laws of the Nation are enforced. I would like Mr. Lowden, his supporters and keynoter, to tell us, if Mr. Lowden is elected to the Presidency of the United States, whether or not he will request Congress to enact legislation to modify the Volstead Act so as to permit the manufacture and sale of light wine and beer. The voters of the great State of Illinois a few years ago, by an overwhelming majority, in a referendum vote, indicated their position in favor of modification of the Volstead Act.

Mr. BLANTON. Mr. Speaker, I make a point of order. I want to know upon what subject the gentleman is speaking.

Mr. SCHAFER. Mr. Speaker, I do not yield. In view of the fact that Mr. Lowden's keynoter has informed the House that Mr. Lowden was against the League of Nations I would like to know how Mr. Lowden stands now and how he stood several years ago on the League of Nations' World Court. A great majority of the Members of Congress from Illinois voted for the World Court resolution in this House. I would like to have Mr.



Lowden explain to the workmen of this country whether the time is near at hand when the Pullman porters will be paid a living wage and not have to depend for the support of their families upon tips contributed by the traveling public. I should also like to have Mr. Lowden give his views on legislation which has been pending before this House for several years; namely, whether he will request Congress to enact legislation to repeal the Pullman surcharge.

There are many other questions, but these have just come to my mind at this time.

If the regular Republicans want a candidate who stands well before the country, I do not think they have to go to Illinois, because if they want a man who is a regular Republican, a man who is strong personally throughout the country, they could unite on the distinguished Speaker of the House, Mr. LONGWORTH. I think he would run stronger than any regular Republican candidate now in the field. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I understand the question before the House to be that of consideration of the bill H. R. 52. Some observations have been made upon the reference of this bill to the Committee on the District of Columbia.

It is well known that I have taken a very consistent position, in the matter of the reference of bills to committees, in insisting that bills should be referred in strict accordance with the rules and precedents of the House. It seems to me, however, that this bill is at least on the border line. It has been shown, by the reading of precedents by the gentleman from Maryland [Mr. ZIEHLMAN] that even on bills relating to the higher courts there have been exceptional references to the Committee on the District of Columbia. The bill now before the House—H. R. 52—may be said to relate more to the general welfare of the people of the District of Columbia in the administration of justice than to the organization or to the jurisdiction of the courts. I therefore hope, since the bill is here, and if it has all the merit that is claimed for it, even by the gentleman from New York [Mr. LA GUARDIA] who has raised the question of consideration, that we will not compel this bill to travel the route again but that it will receive consideration at this time.

The SPEAKER. The question is, Shall the House consider the bill?

The question was taken, and the House determined to consider the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the words "bonding business" as used in this act means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia, and the word "bondsmen" means any person or corporation engaged either as principal or as agent, clerk, or representative of another in such business.

SEC. 2. That the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

SEC. 3. It shall be unlawful for any person engaged, either as principal or as the clerk, agent, or representative of a corporation, or another person in the business of becoming surety upon bonds for compensation in the District of Columbia, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from any such person engaged in the bonding business any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia.

SEC. 4. It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or divide any fee or commission with any bondsman, the agent, clerk, or representative of any bondsman, police officer, deputy United States marshal, probation officer, assistant probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or

procuring any person to employ such attorney to represent him in any criminal case in the District of Columbia.

SEC. 5. Five dollars per hundred shall be the maximum fee that it shall be lawful to charge for executing any bond in a criminal case in the District of Columbia, and it shall be unlawful for any person or corporation engaged in the bonding business, either as principal, or clerk, agent, or representative of another, either directly or indirectly, to charge, accept, or receive any sum of money, or other thing of value, other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which said person is bailed or held in the District of Columbia. It also shall be unlawful for any person or corporation engaged either as principal or as agent, clerk, or representative of another in the bonding business, to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with any court, or with the prosecuting attorney in any court in the District of Columbia.

SEC. 6. A typewritten or printed list of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, and it shall be the duty of the person in charge of said place of detention to put the person so detained in communication with the bondsman so selected, and the person in charge of said place of detention shall contemporaneously with said transaction make in the blotter or book of record kept in any such place of detention, a record showing the name of the person requesting the bondsman, the offense with which the said person is charged, the time at which the request was made, the bondsman requested, and the person by whom the said bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

SEC. 7. It shall be unlawful for any bondsman, agent, clerk, or representative of any bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person so detained, or by some relative or other authorized person acting for or on behalf of the person so detained, and whenever any person engaged in the bonding business as principal, or as clerk, agent, or representative of another, shall enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there, the name of the person calling him, and requesting him to come to such place, and the same shall be recorded by the person in charge of the said place of detention and preserved as a public record, and the failure to give such information, or the failure of the person in charge of said place of detention to make and preserve such a record, shall constitute a violation of this act.

SEC. 8. It shall be the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which such business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any such court until he shall by order of the court be authorized to do so. Such courts, in making such rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent in the business of becoming surety upon bonds for compensation in criminal cases who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of said courts to require every person qualifying to engage in the bonding business as principal to file with said court a list showing the name, age, and residence of each person employed by said bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of said persons stating that said person will abide by the terms and provisions of this act. Each of said courts shall require the authority of each of said persons to be renewed from time to time at such periods as the court may by rule provide, and before said authority shall be renewed, the court shall require from

each of said persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this act, and any person swearing falsely in any of said affidavits shall be guilty of perjury.

Sec. 9. It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning such proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law.

Sec. 10. The judges of the police court of the District of Columbia shall have the authority to appoint some official of the Metropolitan police force of the District of Columbia to act as a clerk of the police court with authority to take bail or collateral in criminal cases in the District of Columbia between the hours of 11 o'clock Saturday night and 9 o'clock Monday morning. The official so appointed shall have the same authority at said times with reference to taking bonds or collateral as the clerk of the police court now has; shall receive no compensation for said services other than his regular salary; shall be subject to the orders and rules of the police court in discharge of his said duties, and may be removed as such clerk at any time by the judges of the police court.

Sec. 11. Any person violating any provision of this act shall be punished by a fine of not less than \$50 nor more than \$100, and by imprisonment of not less than 10 nor more than 60 days in jail; and if the person so convicted be a police officer or other public official, he shall also be forthwith dismissed from office; if a bondsman, or the agent, clerk, or representative of a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business; and if an attorney at law, shall be subject to suspension or disbarment as attorney at law.

Sec. 12. It shall be the duty of the police court, juvenile court, and of the criminal divisions of the Supreme Court of the District of Columbia to see that this act is enforced, and upon the impaneling of each grand jury in the Supreme Court of the District of Columbia it shall be the duty of the judge impaneling said jury to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

During the reading of the bill the following occurred:

Mr. GILBERT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. GILBERT. Mr. Speaker, I move to strike out the last word.

The SPEAKER. This bill is on the House Calendar and the time is in control of the gentleman from Maryland [Mr. ZIHLMAN].

Mr. GILBERT. I want to call the attention of the chairman of the committee to the fact that the several committee amendments are not in this draft. The clerk by a mistake left them out, but they are committee amendments unanimously agreed upon by the committee and I have them here.

Mr. McLEOD. That is correct. I do not know how that occurred.

The SPEAKER. The Chair will call attention to the fact that this proceeding is a little irregular. The bill being a House bill should be read through before there are any amendments offered.

The Clerk concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I want to offer some amendments. On page 4, line 7, after the word "list," insert "alphabetically arranged."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 4, line 7, after the word "list," insert the words "alphabetically arranged."

The amendment was agreed to.

Mr. GILBERT. And on page 7, line 24, after the word "collateral," strike out the balance of that line and insert "from persons charged with offenses triable in the police court."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 24, after the word "collateral," insert the words "from persons charged with offenses triable in the police court."

The amendment was agreed to.

Mr. GILBERT. And in the next line strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 25, strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The amendment was agreed to.

Mr. GILBERT. And at the end of section 10, add the amendment which I send to the desk.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GILBERT: At the end of section 10, page 8, line 8, insert: "The Supreme Court and the Juvenile Court of the District of Columbia each shall have power by order to authorize the official appointed by the police court to take bond of persons arrested upon writs and processes from those courts in criminal cases between 4 o'clock p. m. and 9 o'clock a. m. and upon Sundays and holidays; and each of such courts shall have power at any time by order to revoke such authority granted by it."

The amendment was agreed to.

Mr. GILBERT. And on page 8, line 12, after the word "jail," insert "where no other penalty is provided by this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 8, line 12, after the word "jail," insert the words "where no other penalty is provided by this act."

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I have learned that the reason for the objection of our friend from New York [Mr. LAGUARDIA] to the consideration of this bill was because of a procedure in the District Committee concerning which I agree with the gentleman from New York.

The District Committee of 21 members has been divided up into such a large bunch of subcommittees that I honestly believe the chairman himself does not know how many there are. One of these subcommittees is called "the judiciary committee," and it conflicts in name with the great Judiciary Committee of the House of Representatives. I agree with the gentleman from New York and I agree with the gentlemen on the Judiciary Committee of the House that the District Committee ought to abolish its subcommittee that it calls the judiciary committee.

I hope the chairman of the District Committee will see that it is abolished. It is unnecessary and it is ridiculous to have so many subcommittees anyhow, and I will help the gentleman abolish it if he will make any effort along that line.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may extend his remarks by inserting a part of the report giving the purposes of the bill.

The SPEAKER. The gentleman asks unanimous consent that the gentleman from Michigan may be permitted to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill (H. R. 52):

[To accompany H. R. 52]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia, having considered the same, report it back to the House with the recommendation that it do pass.

Your committee, after having studied the situation existing in the District of Columbia, is of the opinion that public interest demands the enactment of legislation destined to regulate the methods of operation of the professional bondsman and that the measure herewith reported would provide necessary safeguards and prove satisfactory.

The following is a brief synopsis of the various provisions of the bill. The first section defines words and terms.

The second section provides that the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

The third section provides that it shall be unlawful for any person engaged either as principal or agent or representative of a corporation in the business of becoming surety upon bonds for compensation in the



District of Columbia, either directly or indirectly, to give, donate, loan, contribute, or to promise so to do, any money, property, or other thing of value whatsoever to any attorney, police officer, deputy United States marshal, jailor, etc., for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall also be unlawful for any attorney or other officer enumerated above to receive or accept from any such person described anything of value for any such purpose.

Section 4 makes it unlawful for any attorney to give, loan, or donate, etc., anything of value, or to split or divide any fee with any bondsman or any representative of a bondsman or with other persons having to do with the execution of such bond.

Section 5 prescribes the maximum fee of \$5 per hundred which shall be the charge for executing these bonds. Section 5 further makes it unlawful for any person or corporation engaged in the bonding business, either as principal or representative of another, either directly or indirectly, to accept any sum of money or other thing of value other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, etc., upon which said person is bailed or held in the District of Columbia. Section 5 also makes it unlawful for any person or corporation engaged either as principal or representative of another in the bonding business to settle or attempt to settle or attempt to procure dismissal of any indictment, etc., against any person in custody or held upon bond in the District of Columbia.

Section 6 requires a typewritten or printed list to be posted in a conspicuous place in each of the police precincts, jail, prisoner's dock, house of detention, etc., of all persons in the business of becoming surety upon bonds.

Section 7 makes it unlawful for any bondsman or representative of any bondsman to enter any police precinct, etc., for the purpose of obtaining employment as a bondsman without having been called by the prisoner for such purpose.

Section 8 makes it the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia to provide the qualifications of persons and corporations applying for authority to engage in the bonding business.

Section 9 makes it unlawful for any police officer or any other public officer in advance of any raid to give any information concerning such proposed raid.

Section 10 provides that the judges of the police court in the District of Columbia shall appoint some official of the Metropolitan police force to act as a clerk of the police court with authority to take bail or collateral in criminal cases.

Section 11 provides penalties for violating any provision of the act, which are a fine of not less than \$50 and not more than \$100, and by imprisonment of not less than 10 nor more than 60 days in jail, as well as dismissal if the convicted person be an officer, and if a bondsman or representative of a bondsman he be disqualified thereafter to act in the bonding business.

Section 12, which is the last section, makes it the duty of the courts to see that this act is enforced, and makes it the duty of the judge upon the impaneling of each grand jury in the Supreme Court of the District of Columbia to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

#### CONCERNING LIABILITY FOR PARTICIPATION IN BREACHES OF FIDUCIARY OBLIGATIONS

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto.

The Clerk read the bill, as follows:

[H. R. 6844, 70th Cong., 1st sess.]

A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto

Be it enacted, etc., That the Code of Law of the District of Columbia be amended as follows:

"SECTION 1. Definition of terms: (1) In this act unless the context or subject matter otherwise requires:

" 'Bank' includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

" 'Fiduciary' includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

" 'Person' includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

" 'Principal' includes any person to whom a fiduciary as such owes an obligation.

" (2) A thing is done 'in good faith' within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

"SEC. 2. Application of payments made to fiduciaries: A person who in good faith pays or transfers to a fiduciary any money or other

property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

"SEC. 3. Registration of transfer of securities held by fiduciaries: If a fiduciary in whose name are registered any shares of stock, bonds, or other securities of any corporation, public or private, or company or other association or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

"SEC. 4. Transfer of negotiable instrument by fiduciary: If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

"SEC. 5. Check drawn by fiduciary payable to third person: If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

"SEC. 6. Check drawn by and payable to fiduciary: If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

"SEC. 7. Deposit in name of fiduciary as such: If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 8. Deposit in name of principal: If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and

is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 9. Deposit in fiduciary's personal account: If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

"SEC. 10. Deposit in names of two or more trustees: When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

"SEC. 11. Act not retroactive: The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

"SEC. 12. Cases not provided for in act: In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, shall continue to apply.

"SEC. 13. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 14. Short title: This act may be cited as the uniform fiduciaries act.

"SEC. 15. Inconsistent laws repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 16. Time of taking effect: This act shall take effect upon the date of its passage."

With the following committee amendment:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The committee amendment was agreed to.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MOORE of Virginia. Is this bill identical with statutes now in effect in a good many States?

Mr. ZIHLMAN. Yes. This bill was drawn by a committee of the national conference of commissioners on uniform State laws and is, in effect, the statutes which prevail almost verbatim in the States of Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Mr. MOORE of Virginia. The gentleman says "almost verbatim." I understand the changes do not affect the substance of what is proposed.

Mr. ZIHLMAN. Let me say that this bill is based largely on the statutes of the States I have named. The States that have this law verbatim are Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may have permission to extend his remarks by including the report of the committee explaining the purpose of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 6844:

The Committee on the District of Columbia, to which was referred the bill H. R. 6844, concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto, recommend that the bill be amended in the particular following, and as amended that it be passed.

The amendment recommended is the following:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The amendment is to correct a clerical error in the drafting of the bill. As originally drawn the bill appeared to propose a substitute for sections 1 to 16 of the Code of Law for the District of Columbia, whereas there was no intention to affect these sections of the code, which do not relate to the subject matter of the bill.

The form of the enacting clause proposed by this committee amendment conforms to that used in enacting for the District of Columbia the uniform warehouse receipts act (approved April 15, 1910, 36 Stat. 301), and accomplishes the intention of the framers of the bill.

There are in the District of Columbia no direct or controlling decisions of the courts upon the field of law covered by the bill. In the several States, however, the decisions are so diverse that the result is that it is not clear to what extent persons dealing with fiduciaries are bound to supervise them in the performance of their duties. In practice, in the ordinary course of banking and commercial transactions it is impracticable for banks and other persons dealing with fiduciaries to make effective inquiries into their conduct. Transfers by fiduciaries of property in their charge as such to themselves in their individual capacity are often held to constitute such constructive notice of a breach of the fiduciary's duty as to make third persons who participate in such a transfer liable for the property or funds so transferred if it is in fact a breach of the fiduciary's trust. Yet in actual practice such transfers need frequently to be made by honest fiduciaries, as, for example, in the payment to the fiduciary of his compensation, and rigid inquiry by persons dealing with honest fiduciaries into every such transaction, and hesitation to act without inquiry, would impede and obstruct the ordinary transaction of business, with no substantial benefit.

The several sections of the bill subsequent to the enacting clause are in the precise form drafted to be pressed for enactment in all the States and Territories. The purpose of the bill is to establish uniform and definite rules in the place of the diverse and indefinite rules now prevailing as to "constructive notice" of breaches of fiduciary obligations. Liabilities of fiduciaries are not dealt with nor affected, but only the liabilities of persons dealing with fiduciaries. At present the law in the several States as to the liability of persons dealing with fiduciaries is uncertain. It is not clear under what circumstances such persons are charged with "constructive notice" of breaches of trust by fiduciaries. The usual result if a third person dealing with a fiduciary is charged with constructive notice of a breach of trust by a fiduciary, is that the person so dealing is held liable along with the fiduciary for the breach of trust.

A dishonest fiduciary can easily cover his tracks by transferring property he intends to convert to his own use first to a straw man and afterwards to himself, so that no reasonable inquiry would reveal his dishonesty. As a practical matter, the delay and expense incident to the inquiry which needs to be made under the existing unsettled state of the law by banks and other persons dealing with fiduciaries would fall in the first instance upon the trust estates, the great majority of which are honestly administered, and falls ultimately upon the beneficiaries for whom the fiduciaries are acting.

Much of the proposed act is merely declaratory of existing law as established in many jurisdictions. Which of the diverse rules established in the several States would be followed in the District of Columbia if this branch of the law were left to judicial development can not with certainty be stated; but some of the decisions in the States set up, as a test of the liability of a person dealing with a fiduciary, such as the payee or indorsee of a check drawn or indorsed by a fiduciary, the question whether such person was negligent. The proposed act makes such a person liable only if he takes the negotiable instrument with knowledge of such facts as makes his action amount to bad faith.

In the case of banks which are depositaries of fiduciary funds subject to the order of fiduciaries, if a check of the fiduciary is in fact a breach of his obligation, the bank is made by the act liable to the beneficiary if it receives such a check in payment of the personal debt of the fiduciary, or if the check is payable to the bank itself, and in other cases if it has such knowledge of the facts as amount to bad faith on its part in honoring the check. Under other circumstances a claim of negligence on the part of the bank can not be made the basis of liability on its part under the provisions of this act, though in some jurisdictions banks have been held liable as for a participation in the breach of a fiduciary's obligation where the bank acted in good faith and did not profit by nor participate in the breach of the fiduciary's obligations, upon the ground



that it was negligent in supervising the fiduciary in the performance of his duties. These are illustrations of the substitution made by the bill of definite rules of liability for the test of "due care" or "negligence" which has produced the diversity of decisions among the States.

The bill was drafted by the National Conference of Commissioners on Uniform State Laws, which had its origin in the appointment of a special committee by the American Bar Association in 1889 and the authorization in 1890 by an act of the Legislature of the State of New York of the appointment of commissioners for the promotion of uniformity of legislation in the United States. By successive actions in the several States, the District of Columbia, and the Territories all of these jurisdictions are now represented in the national conference by two or three representatives each. These conferences are held during the week immediately preceding the annual meeting of the American Bar Association, and its actions are reviewed by the American Bar Association. Of the uniform acts proposed by this conference, the negotiable instruments act has been adopted in all jurisdictions, including the District of Columbia, excepting Porto Rico, though with modifications in Illinois and Vermont. The warehouse receipts act has been adopted in 48 jurisdictions, including the District of Columbia, uniform sales act adopted in 25 jurisdictions, uniform bills of lading act adopted in 25 jurisdictions, and uniform partnership act adopted in 14 jurisdictions.

Sections 4, 5, and 6 of the present bill are in supplement of and to carry out the intention of the negotiable instruments act, section 56 (sec. 1360, D. C. Code).

The matter of a uniform act covering the liabilities of person dealing with trustees and other fiduciaries was referred to a committee of the conference in 1919, and drafts of the present act were considered by the conference in 1921 and 1922 and were then unanimously approved. Since 1922 it has been adopted verbatim in Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin. It is being pressed for enactment at the present sessions of the legislatures of other States.

The bill was introduced at the request of the Bar Association of the District of Columbia. At the hearings before your committee it was considered section by section and its passage was advocated by representatives of the Bar Association of the District, of the American Bar Association, of the National Conference of Commissioners on Uniform State Laws, of the Clearing House Association of the District of Columbia, of the American Bankers Association, and of the District of Columbia Bankers Association. No opposition to the passage of the bill has been made known to the committee. The Commissioners of the District of Columbia (who appoint the commissioners for the District of Columbia on uniform State laws) have signified their approval by letter addressed to their appointees to the conference and filed with this committee.

The act is compact and can not be well summarized. The topics treated in the several sections are as follows:

Section 1 deals with definitions. The definition of "bank" is identical with that in the negotiable instruments law, section 1 (D. C. Code, sec. 1304). The definition of "person" is a combination of the definitions in the negotiable instruments law and the warehouse receipts act (D. C. Code, sec. 1304; 36 Stat. 301, sec. 58). The definition of "good faith" is identical with that of the warehouse receipts act (36 Stat. 301, sec. 58).

Section 2 deals with the misapplication by the fiduciary of payments and transfers of money and property to the fiduciary which he is authorized to receive. The contrary doctrine and the inconvenience of the common law on this point is often avoided by careful counsel drawing trust instruments by the insertion of an express provision to the effect of this proposed statute. The language of the section is based upon statutes already existing in England and in Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Section 3 deals with the transfer of stock which has been legally registered in the name of fiduciaries. It commends itself to persons having practical experience with the transfer of stock. It is based on a Massachusetts statute (St. 1918, ch. 68, sec. 3), and there are somewhat similar provisions in Delaware (Rev. Code 1915, sec. 3396), Kentucky (Stats. 1909, sec. 4169), and Pennsylvania (Purdon's Dig. 13th ed. 4850, sec. 7). Recently Illinois passed a similar statute. There is a similar statute in England (company's consolidation act (1908), sec. 27).

Sections 4, 5, and 6 deal with holders of negotiable paper drawn or indorsed by fiduciaries. These are the sections which are supplemental to and consistent with section 56 of the negotiable instruments act (D. C. Code 1360), and deal with the question whether such holders get good title to the instrument or are liable for using the proceeds of it if in fact the fiduciary has committed a breach of his trust. Under sections 4 and 5 the liability of such a holder is made definite if he acted in bad faith, or if he took the instrument in payment or in security for a personal debt of the fiduciary, or in a transaction known to be for the personal benefit of the fiduciary. The

distinction between cases covered by sections 4 and 5 and that covered by section 6 is in accordance with Massachusetts cases cited in review of the subject in 34 Harvard Law Review 454, note 26.

Sections 7, 8, and 9 deal with the liabilities of banks and other depositaries of fiduciary funds. In the several different cases dealt with in these sections liability of the bank is declared where the bank has knowledge of such facts as amounted to bad faith or knowledge that the fiduciary was committing a breach of his obligation, or in the case of deposits in the name of the principal or in the name of the fiduciary as such where the check in question is payable to the bank itself and in payment or security for a personal debt of the fiduciary.

Section 10 applies ordinary business principles to deposits in the name of two or more persons as trustees. This section is made desirable because of a doctrine that trustees may not delegate their duties, excepting as to merely ministerial acts, and it remains doubtful as to whether the drawing of a check is a ministerial act in the eyes of the law.

#### FALSE INFORMATION REGARDING COMMISSION OF CRIME IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8558) relating to giving false information regarding the commission of crime in the District of Columbia.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report to the police of a commission of any crime within the District of Columbia. Anyone violating the provisions of this act shall be liable to a fine of not less than \$5 nor more than \$100, or to imprisonment not exceeding 30 days, or to both such fine and imprisonment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. I understand the purpose of this bill is to stop the fictitious claims, or reports, being made of crime. For instance that a man has been robbed, to form the basis for a claim against insurance companies. Is that the purpose?

Mr. ZIHLMAN. No. The police department has spent a great deal of time on false information and reports made by some one who may have a grudge against the neighbor or an imaginary grievance against some business firm.

Mr. LAGUARDIA. If we pass such a bill as this will it not make it dangerous for a citizen to make a report which he believes to be true—are we not going to the other extreme? If there is a penalty attached to making a report do not you make it extremely hard for that person, and will he not hesitate to make a complaint? Anyone who has had any experience with the enforcement of criminal law knows the danger that this bill might create.

Mr. HAMMER. If the gentleman will yield, the intended purpose of this bill is to punish persons who willfully or knowingly give false reports to the police of the commission of crime in the District of Columbia. While there may be advantage to have a law that will punish persons who falsely claim they have been robbed, or some other alleged criminal offense, in order to direct attention away from some other crime, will we not do a great injury in deterring people from making correct reports for fear they might be prosecuted. Have we not such adequate laws now? It strikes me that the very intended purpose of the bill may be defeated. I do not mean to say that I oppose the legislation. It is plain that this law exists in other States, but my own idea is that while it may to some extent tend to correct the evil that it seeks to correct, we ought to go very slowly in enacting such legislation.

I fear that it will tend to prevent the administration of justice, and instead of defeating the hardened criminals who do make false reports for the purpose of distracting attention away from their crimes it will deter the honest, responsible persons as well as timid persons from making complaints.

Mr. LAGUARDIA. In the immigration service we get a great many reports from different people, some of which are anonymous.

It becomes hard in weeding out, and some investigation must be made, but surely, if you are going to impose a penalty for fictitious or false reports, the police are going to have very little information given to them.

Mr. ZIHLMAN. Mr. Speaker, this bill was submitted by the Commissioners of the District of Columbia, and I call attention to a letter from the District Commissioners on page 2 of the report.

Mr. LAGUARDIA. What does the police department say about it?

Mr. SCHAFER. That is not a letter from the present Commissioners of the District of Columbia.

Mr. ZIHLMAN. Inspector Pratt, of the Metropolitan police force, the assistant superintendent of police, urged upon the chairman of the committee the necessity for this legislation, and appeared before the subcommittee urging the passage of the bill.

The bill was submitted to the Citizens Advisory Council, and they recommended the passage of the bill.

Mr. HAMMER. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HAMMER. Yet I notice that while Commissioner Rudolph, for whom I have a very high regard, signed a letter as one of the Commissioners of the District of Columbia, Mr. Rudolph is not a lawyer and has had no experience in the courts, and there is nothing from the courts or from any judicial officers to support his contention. Also Mr. Jesse C. Suter, who is the chairman of the Citizens Advisory Council, is not a lawyer or a judge or a prosecutor, and so far as I can ascertain there is no one in the District of Columbia or elsewhere who has had any experience in the courts or in investigating matters of this kind who supports the bill. The Bureau of Investigation of the Department of Justice could have been called upon to give its opinion. In the absence of the opinion of anyone except the Commissioners of the District, who have nothing to do with actual experience in enforcing the criminal laws of the District, and of Mr. Jesse C. Suter, who is a very fine gentleman, but who has never had any experience as a prosecutor and is not even a lawyer, as I understand—

Mr. ZIHLMAN. No.

Mr. HAMMER. He is a very fine gentleman, of course, but in the absence of any experienced person, judge, or prosecutor, association, or of any court or prosecutor giving us any reason other than that they want to deter people who are hardened criminals from making false reports to divert attention in some instances from their own crimes coming into court, I doubt the wisdom of passing this legislation. There have been 18 instances such as they complain of here in a city of more than half a million people within two months. That is not a very large number, when we consider that 96,000 arrests were made in this city last year. From my viewpoint I do not think it will be calculated to be of general benefit in law enforcement and in detecting crime. I fear that it will deter timid women, for instance, widows, with little influence and large families, as well as responsible citizenship, where crimes have been committed from making reports of criminal offenses. The criminal element will simply say, "We will have you up if you report us."

Mr. ZIHLMAN. I call the attention of the gentleman to the fact that this bill states that they must give this information willfully and knowingly. They must know it to be false.

Mr. HAMMER. The language is "or," not "and." In committee I wanted to change from "or" to "and."

Mr. SCHAFER. Mr. Speaker, I believe that in the consideration of so important a measure as this we should have a quorum, and if this bill is to be considered I think we should have a quorum of the House present.

Mr. BLANTON. It is going to be considered, so get the quorum.

Mr. HAMMER. I do not know whether it is going to be considered or not.

The SPEAKER pro tempore (Mr. TILSON). It is being considered. The gentleman from Maryland has the floor and is yielding to other gentlemen to debate the bill.

Mr. SCHAFER. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ZIHLMAN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Adkins	Bulwinkle	Connolly, Pa.	Drewry
Andresen	Burdick	Cramton	England
Anthony	Bushong	Crisp	Eslick
Auf der Heide	Burlier	Cullen	Estep
Bacon	Campbell	Curry	Fenn
Bankhead	Carew	Darrow	Fish
Black, N. Y.	Carley	Davey	Fort
Bohn	Casey	Dempsey	Frear
Boies	Celler	De Rouen	Free
Bowles	Cochran, Pa.	Dickstein	Freeman
Boylan	Collier	Dominick	Gambrell
Brand, Ohio	Collins	Douglas, Ariz.	Garrett, Tenn.
Britten	Connally, Tex.	Doutrich	Gifford
Browne	Connery	Dowell	Golder

Goldsborough	King	O'Connor, N. Y.
Graham	Kunz	Oliver, N. Y.
Green, Iowa	Kurtz	Palmer
Hall, N. Dak.	Lampert	Prall
Hancock	Larsen	Purnell
Harrison	Lea	Quayle
Haugen	Leatherwood	Rainey
Holaday	Linthicum	Rathbone
Hooper	Lyon	Reed, Ark.
Hope	McDuffie	Robson, Ky.
Houston	McFadden	Rubey
Hudson	McLaughlin	Rutherford
Hughes	Manlove	Sabath
Hull, William E.	Michaelson	Schneider
Irwin	Michener	Sears, Fla.
Jacobstein	Miller	Sears, Nebr.
James	Moore, N. J.	Shreve
Jeffers	Moore, Ohio	Sirovich
Kless	Morin	Somers, N. Y.
Kindred	Nelson, Wis.	Sproul, Ill.

Stevenson
Strong, Pa.
Strother
Sullivan
Sweet
Taylor, Colo.
Thompson
Updike
Vincent, Mich.
Vinson, Ga.
Weller
White, Me.
Wingo
Wolverton
Woodruff
Woodrum
Wyant
Yates
Yon

The SPEAKER pro tempore. On this vote 302 Members have answered to their names, a quorum.

Mr. VESTAL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Maryland [Mr. ZIHLMAN] has consumed six minutes of his hour. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, this bill was sent to the Committee on the District of Columbia by the District Commissioners and by them asked to be passed. I believe our chairman told you that Inspector Pratt, of the police department, asked that it be passed to prevent false information, without warrant, charging people with having committed crime being given to the police. Such acts can not be punished, because not coming within the purview of false swearing or perjury.

I wish you knew how many false affidavits are made against innocent parties here, which force them before the courts, when they are absolutely innocent. For instance, here on the 6th day of March, this month, a policeman got a woman here to make an affidavit against another policeman, charging that he assaulted her sister-in-law in her apartment away back yonder nearly a year ago. As a result the policeman so charged was stripped of his uniform and his pay stopped.

Mr. SCHAFER. Mr. Speaker, I make a point of order. The gentleman is out of order. He is not confining himself to the subject of the bill.

Mr. BLANTON. Yes, I am. I am speaking of false information against people.

Mr. SCHAFER. How about the false information you brought here to the House, which you could not substantiate? If it were not for the privilege of the Record, some of your allegations would subject you to the provisions of this bill.

Mr. BLANTON. The gentleman does not know what he is talking about.

Now, concerning this statement which was filed, I wish to read to you this affidavit which was taken yesterday. This is the woman who it was claimed this policeman assaulted.

Mr. SCHAFER. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. SCHAFER. The gentleman is not discussing the bill. He is discussing a question which is pending before a trial board of the police department of the District of Columbia. I submit that it is out of order to discuss it on the floor of the House.

The SPEAKER pro tempore. The gentleman from Texas is familiar with the rules of the House, and will proceed in order.

Mr. BLANTON. Certainly. I am perfectly familiar with the rules of the House. This is the woman who, this other woman claimed, was assaulted. Listen to what she says. I read:

DISTRICT OF COLUMBIA:

I, Mrs. Virginia Eberhart Hanley, being duly sworn, upon my oath state:

I am the same person who in the affidavit made by Mrs. Louise E. Hanley on March 6, 1928, before H. M. Luckett, notary, is mentioned therein as "Miss Virginia Eberhart." I married on March 17, 1928, and am now the wife of Mr. I. G. Hanley, and we live at 2121 H Street NW.

On the night of March 6, 1928, Mrs. Louise E. Hanley requested that I come to her apartment, and, accompanied by my present hus-



band, we went there and the said Mrs. Louise E. Hanley then told us of the affidavit she had signed trying to implicate my name with Officer Staples, and she asked me if I would go up against Staples. I told her I did not know Staples and I refused to do it.

The next afternoon the said Mrs. Louise E. Hanley, accompanied by Officer Joe Hunt, came to my apartment and tried to induce me to back up the said Mrs. Louise E. Hanley in making a similar affidavit against Staples. This I refused to do. Officer Joe Hunt told me that it would not make any difference as no one would ever know anything about it, but I refused, as I had never seen Officer Staples and did not know him. Officer Hunt then told me that if I decided to do as they wanted me to to let him know about it later. This was the last I heard of it until I saw my name mentioned in the paper in reporting the said affidavit of Mrs. Louise E. Hanley.

Accompanied by my husband, after being unable to find Mr. Staples by telephone yesterday, we went to his house to-day and for the first time in my life I then saw him, and we told him what we knew about the matter.

I voluntarily accompanied my husband to the office of Congressman THOMAS L. BLANTON, a member of the Gibson investigating committee, to relate these facts to him, and in the presence of my husband I am now voluntarily relating such facts to him in his office that justice may be done.

Mrs. VIRGINIA EBERHART HANLEY.

Witness:

I. G. HANLEY.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?  
Mr. BLANTON. Yes.

Mr. MONTAGUE. Who wrote that affidavit? Who drafted it?

Mr. BLANTON. This woman came to my office and it was prepared in my office yesterday. She voluntarily and deliberately came there in company with her husband, after finding out that a lie was being told in her name against an officer, and that another police officer was trying to get her to injure a policeman.

Mr. BOWLING. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. I yield to my friend from Alabama. The gentleman from Wisconsin is always buzzing like an ungovernable cyclone. [Laughter.]

Mr. SCHAFER. Mr. Speaker, I make—

Mr. BLANTON. I do not yield. The gentleman should sit down.

The SPEAKER pro tempore. The House will be in order. The gentleman from Texas has the floor.

Mr. SCHAFER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. BLANTON. I do not yield to a parliamentary inquiry.

The SPEAKER pro tempore. The House will be in order.

Mr. BOWLING. I want to ask the gentleman if the making of a false affidavit such as he read about in that affidavit is not punishable by law as the law now stands?

Mr. BLANTON. No. Unfortunately it is not, because it was not in a proceeding before a court. That is what we are trying to reach in this bill.

Mr. BOWLING. Instead of reaching that you go so far as to prevent any kind of misinformation that may be imparted in the best of good faith by a good citizen.

Mr. HERSEY. This bill ought to be amended.

Mr. BLANTON. The gentleman from Maine is a distinguished lawyer. If he thinks that way about this bill, I would be willing that the bill be laid aside until it could be properly amended.

Mr. HERSEY. It is the most foolish bill I ever saw brought into the House. [Laughter.]

Mr. BLANTON. I will say this: I had nothing to do with this bill, Mr. Speaker. It was prepared by the commissioners of this District. It was sent here by the commissioners to be passed.

I have not considered it, even with the subcommittee that reported it. If it is not a proper bill, we ought to make it proper; and since these two active members of the Committee on the Judiciary, Mr. BOWLING and Mr. HERSEY, believe it ought to be amended, I hope the chairman of the Committee on the District of Columbia will recall the bill and ask that it go back to the committee. I suggest that the bill be not considered further and that we take up another bill; otherwise it will be killed here for this session of Congress.

Mr. ZIHLMAN. Mr. Speaker, I would like to yield five minutes to the gentleman from Michigan [Mr. McLEOD], who reported the bill.

Mr. BLANTON. I think distinguished lawyers here who have studied the bill, the gentleman from Alabama [Mr. BOWLING], the gentleman from Maine [Mr. HERSEY], and our dis-

tinguished friend from Virginia [Mr. MONTAGUE], who are careful in looking into these matters from the judicial angle, will join me in the suggestion that the bill be recalled.

Mr. McLEOD. Do they say anything about the bill?

Mr. BLANTON. They say it is a ridiculous bill. [Laughter.] I am not prepared to deny it.

Mr. McLEOD. Will the gentleman point out where it is ridiculous? I reported it.

Mr. BLANTON. I admit that it is ridiculous. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. McLEOD].

Mr. HAMMER. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. HAMMER. I notice that the gentleman from Texas, after having a roll call of 30 minutes, is seeking to do what I tried to do—have the bill withdrawn. I think the purpose of the bill is good, but it seems to me it goes too far, although I may be wrong in my position. I think it will do much to interfere with responsible persons and timid people who do not care to run the risk of being threatened with prosecutions and with prosecutions for cooperating with law-enforcement officials and who will refuse to do that which is now done. It has a bad tendency and will help to prevent the due administration of the criminal law. I am afraid it will prevent timid people as well as responsible persons from giving information which might be of value in the detection of crime and will have no great deterring effect upon hardened criminals. I think the purpose of the bill was intended for good, but I think its good purposes will be more than overbalanced by its evil tendencies and bad influence upon preventing the public from properly cooperating in law enforcement.

Mr. McLEOD. Mr. Speaker, I admit this is new legislation as far as I can find out. Assistant Superintendent Pratt, of the local police department, has just informed me that there are two States in the country that have similar legislation. He has told me, since this bill was reported, which was March 10 of this year, that at that time there were 18 false reports pending from the first of the year until that date and since that date the number has increased to 42.

We have in the District of Columbia legislation which makes it a crime to give false information, which is called a false alarm in the fire department. As far as the committee has been able to find out this legislation has the same object in mind; in other words, it attempts to eliminate the giving of false information, because it costs the department and the District of Columbia equally as much to investigate a false report as it does a bona fide report.

Mr. SIMMONS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. SIMMONS. What is the nature of these false reports that this bill deals with?

Mr. McLEOD. Many of them pertain to embezzlement. One case cited by Mr. Pratt was that employees, finding themselves in pretty tight scrapes after having taken money, and in order to cover up, have made complaint to the department that money has been lost or stolen.

Mr. BOWLING. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. BOWLING. As this language is written it is very inclusive and would apply to all reports, whether they were made in good faith or not. A man might see something which he believes is a violation of the law but which would be perfectly innocent and only have the earmarks that a crime was to be committed. Now, if he should give what he thought was true information to the police and it afterwards turned out to be false and fictitious, he would be subjecting himself to a fine. Will the gentleman permit me to suggest this: Do you not think you ought to amend your bill by stating that these statements shall be punishable if knowingly made and with intent to deceive; that it is done with malice or done for the purpose of hiding crime? Certainly some phraseology like that should go in the bill, in order that innocent people could in perfect good faith give information to the police in the event of a violation of the law.

Mr. McLEOD. If the gentleman will read the bill carefully he will see that that exact language is contained in the bill.

Mr. BOWLING. There is no language in the bill of that sort. The bill merely provides for false or fictitious reports.

Mr. McLEOD. The bill provides:

That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. LAGUARDIA. While I do not approve of the bill, to answer the suggestion made by the gentleman from Alabama I would suggest—and I have an amendment ready—that we strike out the word “or” and insert the word “and,” so as to make it read:

That it shall be unlawful for any person or persons willfully and knowingly to give, or send, or cause to be sent—

And so on. Then I would insert:

With intent to injure another.

Mr. BOWLING. That is my idea.

Mr. MCLEOD. But that is not the idea of the legislation.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, the gentleman from Wisconsin [Mr. SCHAFER] is well able to take care of himself. I do not appear as his defender, but as jealously guarding the Record I must insist that the gentleman from Texas withdraw the remarks which he made a short time ago with reference to the gentleman from Wisconsin. It does not add to the dignity of this body to have the public read in the Record, the official organ of this body, any such remarks as were made by him, and unless the gentleman from Texas voluntarily withdraws those remarks I shall ask that they be stricken from the Record.

Mr. BLANTON. What remarks is the gentleman talking about?

Mr. UNDERHILL. The remarks of the gentleman referring to the gentleman from Wisconsin, which were extremely personal.

Mr. BLANTON. I think the gentleman from Massachusetts, in so far as that statement is concerned, is correct. It is personal, and while I do not do it under his threat, I do it nevertheless. I ask that they be withdrawn; in fact, I will leave them out of the Record when I revise my remarks.

Mr. UNDERHILL. I want them withdrawn.

Mr. BLANTON. I withdraw them. I would have done it in revision without the gentleman's request.

Mr. DEAL. Will the gentleman from Massachusetts yield?

Mr. UNDERHILL. Yes.

Mr. DEAL. Does not the gentleman from Massachusetts think the gentleman from Wisconsin ought to have stricken from the Record the remarks he made, which are far worse, in my humble opinion, than the remarks made by the gentleman from Texas?

Mr. UNDERHILL. What were they?

Mr. BLANTON. They will not go in my remarks, because I did not yield to him. I expect to cut them out anyway. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER]. [Applause.]

Mr. SCHAFER. Mr. Speaker, ladies and gentlemen of the House, I raised the point of no quorum on the pending bill because there were but few Members on the floor at that time, and I thought then, and I think at the present time, that this bill is too far-reaching and will have a tendency to prevent citizens of the District of Columbia from reporting actual violations of the law.

In view of the fact that the gentleman from Texas has withdrawn a part of the remarks which he made, I will not at this time bring to the attention of the House certain remarks that appear in the CONGRESSIONAL RECORD of October 27, 1921, but if any Member refers to those remarks he will know the reference which I have made.

Mr. WILLIAMSON. Will the gentleman give us the page, so we can find them?

Mr. SCHAFER. Page 6880.

Mr. BLANTON. Mr. Speaker, I will turn the gentleman footloose. He can refer to them if he wants to.

Mr. SCHAFER. I do not intend to at this time. They speak for themselves.

Mr. BLANTON. All right; the gentleman understands he is absolutely footloose.

Mr. SCHAFER. I refuse to yield—sit down. [Laughter.] So far as trying to run this House of Congress and trying to run every department of the District of Columbia from the police department down, I do not have to mention the party's name, but will know that the full membership of the House realizes who is attempting to do that very thing.

The other day we had the allegation on the floor of this House practically charging high officers of the police department with accepting protection money from bootleggers because they found in Washington a truck with a secret compartment.

At that time the evidence purporting to substantiate the charges consisted of affidavits of law violators—confessed law violators. At that time the affidavit of a confessed law violator was right and proper, according to the gentleman from Texas [Mr. BLANTON], but what do we find later on in the Record. We find that one of the members of the Metropolitan police force is before the trial board, a police trial board, acting under the provisions of existing law, a board created to try and hear evidence and hear cross-examination, giving a man a chance to be heard and meet his accusers face to face, and we find a Member of this House, the gentleman from Texas, if newspaper reports are correct, asking the Commissioners of the District of Columbia to nullify the provisions of the law and asking them to step in and take original jurisdiction of the case and not let it go before the trial board, which is provided for trying such offenses in the first instance.

Then we find the gentleman from Texas greatly disturbed because some of the charges upon which his friend, the policeman, Mr. Staples, is being tried under the provisions of law by the trial board were made by law violators. At one time the affidavit of a law violator does not mean anything, but at another time it does.

I believe in the enforcement of all laws, and reserve my constitutional rights under the Constitution to ask for the change of any existing law or any existing provision of the Constitution, but I believe while the laws are on the statute books they should be enforced, and a man who says he is in favor of the enforcement of all laws should not deliberately try to ignore the law creating the police trial board.

It is highly improper for a Member of Congress, I believe, to appear on the floor of the House and give a clean bill of health to any man who is under fire and whose case is before the trial board.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. SCHAFER. If the charges or any part of the charges which have been preferred against this member of the Metropolitan police force are framed up or untrue or unjust and the trial board is unfair and unjust, then the time to condemn the trial board is after they have acted on the case, and not to attempt directly or indirectly to influence the decision of the board.

Under the law, any member of the Metropolitan police force, including Mr. Staples, has the right of trial by the police trial board and has the right to appeal to the Commissioners of the District of Columbia and has the further right to appeal to the courts of the land; and it is somewhat remarkable that a gentleman of this House who last week came before the House and cried about violations of law and derelictions in the performance of duties by the members of the Metropolitan police force, telling this House and telling the world that if he was in charge of law enforcement in the District how far he would go, should come before the House a few days later and try to acquit and give a clean bill of health to a member of the police force who has been brought before the trial board on a number of charges. I say this is astonishing.

So far as the gentleman from Texas indicating how he felt toward me is concerned, perhaps I feel the same way toward him [laughter and applause], and perhaps many Members of the House feel the same way toward him; but I can take care of myself on the floor of this House, and I can take care of myself outside the floor of this House; and I fear no man, even if he is the alleged great, big, headline, fiery Texan we read about in the papers. I will not be intimidated by any statements the gentleman may make in this Chamber or without it.

I believe the pending bill goes too far. I believe it will have a tendency to curb law enforcement, and I therefore ask that the Members of this body cast their votes in opposition to the bill. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, for three weeks I have been after the bootleggers in the District of Columbia. I am not surprised that a man who stands on this floor almost daily and advocates a law permitting beer that would be in violation of the Constitution, should come to their rescue [applause], and make an attack upon me.

When my friend from Wisconsin and I meet each other in gymnasiums or otherwise I will even not compel him to weigh in with me. [Laughter.] I will waive my excess(?) in weight. The gentleman makes a brave speech on this floor against his colleague, who is trying to get decent government in the District of Columbia.



Mr. BOWLING. Will the gentleman yield?

Mr. BLANTON. Yes; I yield to my friend.

Mr. BOWLING. I simply want to ask if it is true that the gentleman has been trying to intimidate the gentleman from Wisconsin?

Mr. BLANTON. Why, I have had him intimidated ever since he has been here. [Laughter.] He has been almost afraid to exhortate without coming and asking my permission. [Laughter.]

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. SCHAFER. The gentleman has a fine opinion of himself and substantiates a certain part of my prior address about egotism.

Mr. BLANTON. Mr. Speaker, I did not seek a place on the District Committee; it was thrust upon me. If you ask the Ways and Means Committee that put me there, they will tell you that I never asked to be put on that committee. I would like to have been left off the committee. I have worked from 14 to 16 hours a day ever since I have been on the committee, and my colleagues know it. I have been working because the Constitution says that this Congress shall run the affairs of this District, and the District Committee is the committee of Congress that has within its jurisdiction the affairs of the District.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. Not now. I have been trying to do my best under my oath. I am not ashamed of a single act I have performed since I have been in this Congress. I am not ashamed of one act, public, private, or official that I have performed since I have been a grown man, and I am over 50 years of age. I have filled two important positions in my State, and I have the confidence of the people not only of my district but of my State. [Applause.]

The gentleman from Wisconsin can not destroy it in a speech of pique that he may deliver on this floor.

I got the biggest vote that was given any man in Texas in the last two elections. [Applause.] And when the next election comes off I am going to get another one that is going to put me in the other end of the Capitol as sure as the gentleman sits there. And I am going to be watching affairs of this District, and if the gentleman from Wisconsin—God forbid—is ever able to pass a bill in the House that is against the Constitution I will help kill it when it comes to the Senate. [Applause.]

I am for law enforcement under my oath. My oath says that I will support the laws of this country without evasion, without fear, and I have been doing it. Have I not, I will ask my genial friend from Ohio, since I have been here?

Mr. MURPHY. Yes.

Mr. BLANTON. I have been doing it to the best I know how, and it little behooves the gentleman from Wisconsin [Mr. SCHAFER] because he is in favor of beer and light wines, to get up here in behalf of the bootleggers of the District.

I thank the gentleman from Maryland for giving me the five minutes. [Applause.]

Mr. ZIEHLMAN. Mr. Speaker—

Mr. HOWARD of Nebraska. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Maryland controls the time.

Mr. HOWARD of Nebraska. In the interest of harmony, Mr. Speaker, I was going to ask permission to make a few observations about aviation. [Laughter and applause.]

Mr. LaGUARDIA. Mr. Speaker, while I do not believe in the bill and doubt its wisdom, while the bill is before the House it should be amended in such manner as to make clear the intent, and in pursuance of that I ask that the Clerk read for the information of the House the amendment that I will offer at the present time.

The SPEAKER pro tempore. Without objection, the Clerk will report the proposed amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "or" after the word "knowingly" and insert the word "and"; and after the word "knowingly" insert "with intent to injure another."

Mr. DYER. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. DYER. The gentleman from New York is a member of the Judiciary Committee of the House and a very able one. This legislation should have been, of course, referred to the Committee on the Judiciary that is charged with the responsibility for such legislation.

Mr. LaGUARDIA. There is no doubt about it.

Mr. DYER. I trust the gentleman will not insist upon his amendment, but will help to defeat the bill, so that it may be considered by the committee responsible for such legislation.

Mr. LaGUARDIA. I shall vote against the bill or to strike out the enacting clause or refer it back to the committee, but if it is to pass, it is our duty to put it in proper shape.

Mr. DYER. I have no criticism to make of the District of Columbia Committee, for I recognize it as an able and efficient committee, but our responsibilities are different, and I would ask the committee or its chairman to take such action as will place this legislation where it belongs, and to do what he can in the future so that such legislation may be considered by the Judiciary Committee. Also that he do another thing, and that is to abolish the subcommittee of his committee known as the judiciary committee, because it does create confusion, which ought not to be had in the orderly procedure of legislation in this House.

Mr. ZIEHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, the principles of this legislation are so important and far reaching that we should not consider the bill in a spirit of levity. I concede, as pointed out by the gentleman from Alabama [Mr. BOWLING], that the bill should be amended. The gentleman from New York [Mr. LaGUARDIA] has offered an amendment that will cure the defects referred to by the gentleman from Alabama. There is no reason why this bill should go back to the committee when it can be so readily and easily corrected in the House.

This is a new field of legislation. Several of the States, including my own, have passed laws making it a crime to tell a lie to the injury of another person. That was considered revolutionary, because all through the ages a person thus wronged had been left to his civil remedy of slander or libel. That was because the law had always been based upon a property basis. It has always been against the law to steal a man's dollar or to steal his horse. Why should it not be against the law to steal that which is of much greater value to him, his reputation. There is nothing as insidious, nothing as vicious and as devastating as slander. With the amendment of the gentleman from New York [Mr. LaGUARDIA], all that you will be enacting is that if a person gives false information willfully and knowingly, he has committed a crime, he has violated a law. Then that person lays himself open to deserved punishment. I would go further and make it unlawful, not only to give that false and malicious information to the police, but to anybody. If anyone knowingly, willfully, and falsely, with intention to do a person harm, tells another that such person has violated the law, he should be fined. It was Shakespeare who said:

But he that filches from me my good name,  
Robs me of that which not enriches him,  
And makes me poor indeed.

I am not in favor of this bill simply because it would save a lot of work for a lot of policemen, but I am in favor of it on a much higher ground, one based not on efficiency but on justice. A person who knowingly, willfully, and falsely reports one to have committed a crime should be fined, and more heavily fined because he has done a greater wrong than if he had merely stolen property.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. DYER. There is a law now punishing perjury in the District of Columbia, is there not?

Mr. GILBERT. But this is not perjury we are discussing. I call up the police and I report that the gentleman from Missouri [Mr. DYER] has been guilty of some outrageous offense. The police investigate that. That is given publicity. It is found that the report is false. If I do that willfully and with intention to wrong the gentleman from Missouri, I should be severely penalized, because I have done him a much greater offense and from a more contemptible motive than if I had merely stolen his hat or overcoat.

Mr. ZIEHLMAN. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Speaker, I want to speak of this bill from the standpoint of practical police work, in order to show what a dangerous piece of legislation this may be to the public welfare. Everyone who is conversant with modern police methods knows that a great deal of very practical and very valuable information comes to the police from people outside of the department. It comes sometimes in the way of anonymous communications and sometimes in the way of signed communications. If you require that every person who carries information to the police officials of a great city must follow that information up by prosecution and conviction, in order to save the informer from subsequent punishment by reason of legislation of this kind, you are going to shut off

from the police authorities of the city and country a most valuable source of information. I can speak somewhat from experience along this line. I can see from my practical experience in the years past the danger of enacting a bill such as this is. I am also led by experience to make this observation: If you enact this bill into law and any person does maliciously and knowingly communicate false information to the police, the attitude of mind of that person reporting the information will be this: He will feel that he must follow it up by a conviction in order to be protected from the results of legislation of this kind and will resort to perjury and subornation of perjury to accomplish his purpose.

Mr. BLANTON. Oh, no.

Mr. WELSH of Pennsylvania. Oh, yes. In order to determine that the information is true, it must result in a conviction.

Mr. BLANTON. It will have to be determined that it is false as a definite fact.

Mr. WELSH of Pennsylvania. And the question of falsity will depend upon the subsequent conviction or acquittal of the person charged.

Mr. BLANTON. Until it was shown that it was deliberately and maliciously and falsely made, the person making it would not be amenable to the law.

Mr. WELSH of Pennsylvania. But who is to determine the falsity of the thing? I hope as a matter of public safety that we will not pass legislation of this kind. I would like to have you get the opinion of police officials and district attorneys of the country as to the full effect of legislation of this nature. I think you will find them almost unanimously opposed to this character of legislation.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. GILBERT. If I should willfully, knowingly, and maliciously telephone to the police department that some reputable woman was guilty of some immoral offense, should I not be fined and punished?

Mr. WELSH of Pennsylvania. Yes; and under the law of slander, if oral, and under the law of libel, if the information were written, you would be liable in every jurisdiction in the United States.

Mr. GILBERT. She would be forced to take the initiative in such a step, and the law should protect her without putting that burden upon her.

Mr. ROMJUE. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a question?

Mr. WELSH of Pennsylvania. I yield.

Mr. ROMJUE. I want to call your attention to line 5. The gentleman who has just finished arguing the question [Mr. GILBERT] called attention to the language "unlawfully or willfully." That does not apply to line 5. It applies to the preceding line; but when you get to line 4 it is a crime to make a false and fictitious report, and there is no connection between that phrase and "willfully and unlawfully."

Mr. WELSH of Pennsylvania. I think the gentleman is correct.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. CHINDBLOM. Mr. Speaker and gentlemen of the House, this debate has brought out a proposal for legislation, as expounded by the gentleman from Kentucky [Mr. GILBERT], which is not in the bill. Of course, his argument was persuasive on the broad lines upon which it was based; but this bill comes to us from the Commissioners of the District of Columbia and is designedly for the purpose of reducing the work of the police department of the District. I want to show the authority for it. The Senate committee in the last Congress made this argument in favor of the legislation:

There have been no less than 18 such false reports to the police within a period of two months, and the proposed law is intended as a deterrent.

Mr. Speaker, if the police department of the District of Columbia, with a population of nearly half a million, has not had more than 18 such cases in a period of two months, there is no necessity for this legislation. [Applause.] Why should we pass a measure here in something of a hurry which is in derogation of the common law, without any precedent under common law, and which has no precedent under statutory law except in two or three States in the Union?

I want to emphasize what the gentleman from Pennsylvania [Mr. WELSH] has said. If you go to the police department of any one of our big cities and if you pass a law like this, which will be a deterrent upon those who would report rumors of

crimes, you will never receive information. The police departments get information from people who do not care to reveal their identity. What is the penalty in this bill? A fine of not less than \$5 nor more than \$100, or imprisonment not exceeding 30 days, or both such fine and imprisonment. Is that a deterrent on a person who has a real purpose to injure another? Nothing of the sort. But it would deter people who might have valuable information which would lead to the detection and prosecution of a crime.

I say this is legislation of an entirely new character in the administration of criminal law, and it should have more consideration than has been given to it, because it writes into the law an entirely new principle; it is not based upon perjury or a proceeding in court, but is based only upon verbal or written statements not even in the form or with the force of affidavits. Such procedure is foreign to our system of jurisprudence as a basis for a criminal prosecution.

Mr. BOWLING. Mr. Speaker, I think this debate has been informative, and without desiring to repeat anything that has been said I wish to call the attention of the House to what would arise if this bill is passed as it is written. The gentleman from Missouri [Mr. ROMJUE] has pointed out that no defense is possible under this bill if a man makes a false or fictitious information without regard to his purpose or intent or means of knowledge whatever.

Let us suppose that false or fictitious information had gone to the police force, and an arrest made when the information is afterwards found to be false. Would it be necessary to make a prima facie case against the defendant who gave that information? Nothing in the world, except to prove that he had given such information and then to have ascertained that it was false. That is all. Your case is made. What would be his defense? Nothing. As this bill is written he would have no defense. The ground is cut out from under his feet. As the phraseology now stands he could not even offer testimony tending to show that he was acting in good faith.

But let us assume that the judge, through his sense of kindness and justice, would permit him to offer a defense. Where would your burden of proof be? It would be on the man to prove he was acting in good faith. This bill would open the doors to the police force to indulge in a vast amount of petty persecution if so minded. This bill ought to be amended. If passed at all, it ought to be practically rewritten.

Mr. MOORE of Virginia. Do you think it ought to be passed?

Mr. BOWLING. No; I do not. It certainly should be recast in language that is accurate and which expresses the purpose and intent of the legislative body.

Mr. COLE of Iowa. Would it not be better to just vote it down and be through with it?

Mr. BOWLING. Well, I would second a motion to that end.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

Mr. LA GUARDIA. Mr. Speaker, I have an amendment which I had read for the information of the House. I have modified it slightly. I would like to have it read.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 1, line 4, strike out the words "or knowingly" and insert in lieu thereof the following: "and maliciously, with intent to injure another."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BLANTON. Will the gentleman from Maryland yield to me to offer another perfecting amendment?

Mr. ZIHLMAN. I yield to the gentleman if I have that power.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

Mr. CHINDBLOM. Mr. Speaker, a point of order. Was not the previous question ordered?

Mr. ZIHLMAN. No.

Mr. BLANTON. Mr. Speaker, the amendment offered by the gentleman from New York was adopted, was it not?

The SPEAKER. Yes.

Mr. BLANTON. Mr. Speaker, I offer an amendment. At the end of line 4, after the word "or," insert the following: or knowingly and maliciously and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Line 4—



Mr. ZIHLMAN. Mr. Speaker, I call the gentleman's attention to the fact that the House has just struck out the word "knowingly," and the gentleman by his amendment seeks to restore that word.

Mr. BLANTON. I make it maliciously and knowingly. Mr. Speaker, I ask to modify my amendment.

The SPEAKER. Without objection, it is so ordered. There was no objection.

Mr. BLANTON. Mr. Speaker, I offer an amendment; that after the word "or" and before the word "to," in line 4, insert the following:

or willfully, maliciously, and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 4, after the word "or" and before the word "to," at the end of the line, insert the words "willfully, maliciously, and with intent to injure another."

Mr. MONTAGUE. Will the gentleman from Maryland yield to me for a moment?

Mr. ZIHLMAN. Yes.

Mr. MONTAGUE. I desire to call the attention of the House to the fact that this is a penal statute of serious moment, and that we are asked here, in this desultory way, to amend it without due and proper consideration. It is impossible to consider an amendment to a criminal statute unless you can get around a table and talk backward and forward until the whole matter is thoroughly considered and threshed out. You can not do it in this form.

I did not rise for this purpose, but I really think we had better let this legislation go by the board.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 3, noes 41.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the District of Columbia Committee.

The SPEAKER. The gentleman from Texas offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. No. I am in its present form, unless it is properly amended, Mr. Speaker.

Mr. CHINDBLOM. It is too late to amend the bill.

The SPEAKER. The gentleman is a member of the committee, and the Chair will recognize him.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 75.

So the motion to recommit was rejected.

Mr. BLANTON. Mr. Speaker, I shall not inflict a roll call on the House, because the House seems to be determined to kill the bill, and not being properly amended, I think it should be killed.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 5, noes 118.

So the bill was rejected.

On motion of Mr. LaGUARDIA, a motion to reconsider the vote whereby the bill was rejected was laid on the table.

#### THE PROPER REFERENCE OF BILLS

The SPEAKER. The Chair desires to make an observation to the House. In view of the question raised as to the reference of this bill and the one preceding it, the question being that both should have gone to the Committee on the Judiciary and not to the Committee on the District of Columbia, the Chair will state that when these bills were brought before him he thought the reference to the Committee on the District of Columbia proper under the rules of the House.

Under the rule, matters relating to the District of Columbia are referred to the Committee on the District of Columbia, and among the list of bills that have been so referred in the past the Chair will read a few:

Bills proposing legislation as to the general municipal affairs of the District, relating to health, sanitary and quarantine regulations, holidays, protection of fish and game, regulation of sale of intoxicating

liquors, adulteration of food, drugs, etc.; taxes and tax sales, insurance, bills for preserving public order at times of inauguration, the Government Hospital for the Insane, harbor regulations and the bridge over the Eastern Branch, executors, administrators, wills and divorce, police and juvenile courts, and justices of the peace—

And so forth.

All these bills either change existing law or enact new law, but they apply solely to the affairs of the District of Columbia. If, as has been claimed to-day, any bill which changes existing law or enacts new law affecting only the District were referred to the Committee on the Judiciary, plainly the Committee on the Judiciary would become the Committee on the District of Columbia, because most of the jurisdiction of the Committee on the District of Columbia relates to changes of law or enactment of new laws.

The Chair thinks the reference was proper, that it complies with the rules of the House and with all the precedents the Chair knows on the subject.

Mr. LaGUARDIA. Mr. Speaker, may I make a statement?

The SPEAKER. Yes.

Mr. LaGUARDIA. The reason that prompted me in making the observation was the authority contained in section 4068 of the fourth volume of Hinds' Precedents, which sets out several bills relating to the police court of the District of Columbia, and my main objection and the objection of the committee was that this affected existing penal law, and clearly all penal law is under the jurisdiction of the Committee on the Judiciary under the rules of the House.

The SPEAKER. But the Committee on the District of Columbia has jurisdiction, for instance, of the laws regulating the sale of intoxicating liquor in the District of Columbia. Surely the gentleman would not contend under the precedents that that matter should be referred to the Committee on the Judiciary, and yet according to the gentleman's statement it would have to be so referred. The Chair thinks the proper rule is that, notwithstanding the fact a bill changes existing law or enacts new law, if it relates only to the District of Columbia, it should properly go to the Committee on the District of Columbia. The Chair could conceive of some cases, perhaps, where the matter in fact only related to the District of Columbia but involved changes of basic law which should go to the Judiciary Committee.

So the Chair will continue, unless otherwise ordered by the House, to refer bills like the ones in question to the Committee on the District of Columbia.

#### DETENTION OF FUGITIVES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That whenever any person shall be found within the District of Columbia charged with any offense committed in any State, Territory, or other possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the governor of such State, Territory, or possession, any judge of the police court of the District of Columbia may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that such person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the police court to answer such complaint.

SEC. 2. If, upon the examination of the person charged, it shall appear to the judge of the police court that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the chief justice of the Supreme Court of the District of Columbia, he shall, if not charged with murder in the first degree, be required to give bond or other obligation, with sufficient sureties, in a reasonable sum, to appear before said judge of the police court at a future date, allowing 30 days to obtain a requisition from the governor of the State, Territory, or possession of the United States from which said person is a fugitive, he to abide the order of such judge of the police court in the premises.

SEC. 3. If such person shall not give bond or other obligation, as herein provided, or if he shall be charged with the crime of murder in the first degree, he shall be committed to the District jail, and there detained until a day fixed by the court, in like manner as if the offense charged had been committed within the District of Columbia; and if the person so giving bond or other obligation shall fail to appear according to the condition of his bond or obligation, he shall be defaulted, and the bond or other obligation entered into by him shall be forfeited to the United States.

SEC. 4. If the person so giving bond or other obligation, or committed, shall appear before the judge of the police court upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the judge of the police court shall see cause to commit him for a further time, or to require him to give bond or other obligation for his appearance at some other day, and if, when ordered, he shall not give bond or other obligation he shall be committed and detained as before: *Provided*, That whether the person so charged shall give bond or other obligation, be committed or discharged, his delivery to any person authorized by the warrant of the governor shall be a discharge of his bond or obligation, if any.

SEC. 5. The major and superintendent of the Metropolitan police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which such person is a fugitive that the person is so held in the District of Columbia.

SEC. 6. A person committed as herein provided shall not be detained in jail longer than to allow a reasonable time to the person receiving the notice herein required to apply for and obtain a proper requisition for such person according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

SEC. 7. Nothing herein contained shall prevent the voluntary return, in the custody of a proper official, of a person to the jurisdiction of the State, Territory, or other possession of the United States from which he is a fugitive. And nothing herein contained shall prevent a judge of the police court of the District of Columbia, in his discretion, accepting bond or other obligation for the appearance of a person before the proper official in the State, Territory, or possession of the United States from which he is a fugitive.

SEC. 8. Nothing herein contained shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed, was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may extend his remarks in the RECORD by inserting the report accompanying this bill showing the purposes of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 8915:

[To accompany H. R. 8915]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report favorably thereon with the recommendation that the bill do pass.

There is appended and made a part of this report the report of this committee in the Sixty-ninth Congress, giving full explanation of the reasons for and purpose of the proposed legislation.

[H. Rept. No. 1977, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to which was referred the bill (H. R. 15208) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report it to the House of Representatives with the recommendation that the same do pass.

This bill was introduced as the result of the survey being made by the special committee, of which Mr. GIBSON is chairman, and to remedy the lack of proper legislation authorizing the authorities in the District to detain fugitives who have escaped from their States and sought refuge here from apprehension for crime committed in their jurisdiction.

At the present time persons who have committed crimes in their States may come to the District of Columbia, and there is no law which will enable authorities here to hold them pending the issuance of extradition papers. If arrested upon the request of the authorities of the State where the crime is committed, the courts here have decided in habeas corpus proceedings that such fugitives can not be held for want of authority of law here. This bill was prepared at the request of the Gibson committee by the office of the corporation counsel of the District, which earnestly requested and urged its enactment into law.

The rights of the prisoners are amply protected by the provisions of the bill.

THE CATHOLIC UNIVERSITY OF AMERICA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue

of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the incorporation of the Catholic University of America under chapter 18, Revised Statutes of the United States relating to the District of Columbia, be, and the same is hereby, approved and confirmed.

SEC. 2. That in addition to the rights, duties, and obligations enjoyed and imposed by chapter 18 of the Revised Statutes of the District of Columbia the said university may enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia, for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the said university and the affiliated institutions.

SEC. 3. That said university shall have, and is hereby given, the power to increase the number of its trustees from time to time by a two-thirds vote of the whole number of the trustees at the time such vote is taken to a number not exceeding 50.

In case of the increase of the number of trustees a certificate stating the number of the board and the time when it shall go into effect, and that the action so taken was by a two-thirds vote as required by this act, shall be filed with the recorder of deeds of the District of Columbia.

SEC. 4. The said board of trustees shall have, and are hereby given, full power and authority, by a vote of two-thirds of its members, to adopt and change by-laws for the conduct of the business and educational work of said university, to fix the time of meetings, regular and special, and the form of notice to be given; they may appoint an executive committee composed of trustees, designate the number and chairman thereof, with such powers and authority as are usually exercised by an executive committee, and which shall be conferred by the board subject always to the control of the board of trustees; they may create and establish schools and departments of learning to be connected with and become a part of said university, and establish such scholastic boards and officers as may be required for academic operation and direction in education; they may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor, for the maintenance of educational work by said university and by any department or chair thereof, now established or which may hereafter be created or established by said university, and they shall have all of the powers and authority heretofore granted to or invested in the trustees of said university by chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

SEC. 5. That nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may extend his remarks in the RECORD by printing the report on this bill for the information of the House.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill S. 2310:

[To accompany S. 2310]

The Committee on the District of Columbia, to which was referred the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The purposes of this bill are four:

1. To authorize the Catholic University of America, an institution of learning in the District of Columbia, to enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the institutions concerned.

2. To grant power to the above-mentioned Catholic University to increase the number of its trustees in a certain prescribed manner.

3. To grant power to adopt and change by-laws for the conduct of business and educational work of said university.

4. To clarify certain language of the act of incorporation with respect to the right to administer the property of said university.

The Catholic University of America was incorporated not under the District Code, which was enacted in 1901, but was incorporated April



19, 1887, under chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

Section 676 of said chapter 18 provides that "Congress may, at any time, alter, amend, or repeal this chapter, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed or created under this chapter"; \* \* \*

The power to increase, as above stated, its trustees, has also been conferred upon the same institution. Section 1 of said act of March 3, 1905, and the power to change its by-laws for the conduct of the business and educational work of the university, to fix time of meetings, regular and special, is also given to the same institution by act of Congress of March 18, 1898 (30 Stats. 328).

The power to establish such scholastic boards and officers as may be required for academic operation and direction in education, and to "receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor," is asked for by the Catholic University in order to clear uncertainties caused by section 523, Revised Statutes of the United States relating to the District of Columbia, which provides that "such corporation shall hold the property of the institution solely for the purposes of education, and not for the benefit of themselves or of any contributor to the endowment thereof."

The great growth and development of the Catholic University and its high standing among the educational institutions of the country require the changes asked for in the conduct of its work and business incident to its development as an institution of learning, and there is no way to obtain these changes except by direct application to Congress required by the sections of the Revised Statutes of the United States relating to the District of Columbia above referred to.

#### CORPORATION COUNSEL FOR THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 9782) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Code of Law for the District of Columbia be, and the same hereby is, amended so as to add a new section thereto, to be known as section 932 (a) and to read as follows:

"Sec. 932 (a) The corporation counsel for the District of Columbia and his assistants are empowered to administer oaths or affirmations to witnesses in criminal cases and in any and all matters and things connected with the performance of their official duties; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than 2 nor more than 10 years, and for the second offense for not less than 5 nor more than 15 years."

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, this bill works for efficiency in the office of the corporation counsel, but in my opinion it ought not to pass. In this country we recognize the wisdom of having separate functions of Government. There are also separate functions for the administration of justice. To my mind it is not proper for either side to have the power to swear witnesses. That power is quasi judicial and should be in the hands of a disinterested officer, either the clerk or the judge or some disinterested person to administer oaths. I can see where it might be abused in the sweating process. The corporation counsel under this bill could sit not only as a lawyer but as a quasi judge, swear witnesses, and intimidate the witness through the oath. My remarks need not be extended in opposition to the bill, for I have explained the objections which go to the fundamentals of justice rather than the details.

Mr. ZIHLMAN. I call the gentleman's attention to the fact that the district attorney has that authority now under the code, and we want to extend it to the corporation counsel.

Mr. GILBERT. It is wrong for the district attorney's office to have that power. We all understand that the prosecuting attorney is supposed to take care of the defendant as well as the State, but in my experience they get interested in the prosecution, wrought up over it, and become almost as partisan as the attorney for the defense.

It is unwise to bestow such power on the corporation counsel merely because it promotes efficiency.

Mr. McLEOD. The gentleman will recognize that the object is to save time. The fact was brought out that on a Monday morning there are from 100 to 400 informations pending, and for

that reason the small staff in the clerk's office are not competent to take care of it.

Mr. GILBERT. I said at the outset that the bill worked for efficiency, but at the sacrifice of fundamental justice that should not be sacrificed.

Mr. McLEOD. We have an amendment that perhaps will obviate the gentleman's objection.

Mr. GILBERT. I can see how a lawyer unduly enthusiastic in the prosecution might browbeat the witness and I think it is fundamentally wrong for either side to be able to swear their own witnesses.

Mr. McLEOD. Would the gentleman have any objection to this amendment: Page 2, line 3, insert "wherever the record of such oath or affirmation is made"?

Mr. GILBERT. That would not cure my objection.

Mr. STOBBS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. STOBBS. Why should the corporation counsel who is, after all, a partisan and a representative of one side of the story—why should he have the power to act in a quasi-judicial capacity and examine under oath witnesses about any crime that comes before the court?

Mr. McLEOD. There is no discrimination.

Mr. STOBBS. You are making the corporation counsel perform the duties of the clerk of a court. The clerk of the court has no interest—he is acting in a quasi-judicial capacity. Here you have a man bound to be counsel on one side or the other representing the District of Columbia, and just as the gentleman from Kentucky has said, taking the testimony of witnesses under oath. It seems to me it is absolutely unfair to the defendant. I would like to hear what the gentleman has to say as to the reason other than that of saving time.

Mr. McLEOD. The opinion came from Mr. Bride, who claimed that the expense to the District of Columbia in the loss of time was great, and that was the main reason for the bill.

Mr. STOBBS. I want to point out that we are dealing with a principle. Before you issue a warrant or information there must be a quasi-judicial officer pass on the question. You can not settle the question of saving time in a bill by violating a fundamental principle.

Mr. McLEOD. That was the reason the Code of Law was changed in order to take care of the district attorney's office.

Mr. ZIHLMAN. If the gentleman from Michigan will permit, I say to the gentleman from Massachusetts [Mr. STOBBS] that for more than 20 years that power has been vested in the district attorney and his assistants. The corporation counsel and his assistants prosecute cases in the minor courts, and it is sought by this bill to extend the same privilege or right or power to the corporation counsel and his assistants in order to expedite the work of the police court and the other minor courts of the District.

Mr. STOBBS. Does not the gentleman realize that when you make a man possibly liable for perjury on some statement he may make to the man who is going to prosecute the case in court, that you are taking away the safeguards with which a defendant ought to be surrounded? The question of whether or not a man is making a wrong oath in those circumstances ought to be confined in a criminal case to the judge himself.

Mr. McLEOD. We intended to confine this only to cases where a record of such oath was made.

Mr. CHINDBLOM. But I call the gentleman's attention to the fact that the corporation counsel for the District of Columbia, Mr. Bride, opposes the adoption of the proposed amendment. He says:

With no stenographic service available for the purpose of these hearings, and because it would not be feasible to reduce to writing the testimony given at such preliminary hearings, I am of the opinion that the adoption of the suggested amendment would defeat the particular object of the bill.

Of course, that statement everyone can see is true, but I am curious to know how it is that the District of Columbia must have such extraordinary and unusual legislation for the administration of justice. The authorities of the District send recommendations to the District Committee for all of these unusual things, and I am not finding any fault with the committee; but is there any other jurisdiction in the land where district attorneys who are prosecutors and corporation counsel who are prosecutors take the affidavits of witnesses or of informants, or of applicants for warrants? Does anyone know of the existence of any such practice elsewhere?

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. The gentleman from Michigan has the floor.

Mr. McLEOD. I yield.

Mr. UNDERHILL. Does the gentleman not think it would be a pretty good thing for the rest of the country to get some special legislation for its prosecuting officers, in order that we may stop some of these criminal activities that are going on? There are altogether too many safeguards surrounding the criminal and too little power in the States.

Mr. CHINDBLOM. But we have always differentiated as between the clerks of courts and judges of courts and the attorneys who practice before the courts.

Mr. McLEOD. The only reason and the best reason the subcommittee had in making the original report to the full committee was that we were convinced at the time that this is a time saver and a possible money saver, because the same rights are given to the district attorney's office. If it accomplishes that result that was sufficient.

Mr. ZIHLMAN. Mr. Chairman, I yield three minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. I ask the chairman of the committee whether or not in the District of Columbia there is any law which will permit John Doe proceedings to be had in the investigation of any kind of criminal cases?

Mr. ZIHLMAN. The chairman of the Committee on the District of Columbia is not an attorney, and is not familiar with all of the Code of the District of Columbia. I think there is such a thing, but I could not say positively.

Mr. WILLIAMSON. In most States a prosecuting attorney may bring a proceeding before a justice of the peace or other inferior judicial officer, or the county judge, for the purpose of investigating a crime or a supposed crime. In those proceedings the witnesses are put under oath, and examination is had very much after the manner that one proceeds before a grand jury. This bill seems to contemplate that a hearing may be had by the corporation counsel himself sitting in the capacity of a justice of the peace or a county judge in a quasi-judicial capacity.

Mr. CHINDBLOM. Or as an examining magistrate.

Mr. WILLIAMSON. Yes; in the capacity of examining magistrate and prosecutor at the same time. It seems to me that a procedure of that kind is wholly unwise. I can see how a law which will permit John Doe proceedings is a good thing because this permits the investigation of alleged crimes in advance of an information being filed, and often results in no information being issued in cases where otherwise an information might be sworn to and filed and an injustice done to a person suspected of some offense. It seems to me that to give this quasi-judicial power to a prosecuting officer is contrary to proper judicial proceedings. A prosecutor should be armed with some method of getting at the facts when crime is charged, but such investigation, when sworn testimony is sought, should be before some competent and impartial official charged with the functions of a committing magistrate.

Mr. ZIHLMAN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker and gentlemen of the House, this bill to my mind is very bad legislation. If I am suspected of the commission of a crime at the present time, no one has any right to arrest me unless he can obtain a warrant; and to get that warrant he must go to the clerk of the court or to the judge, neither of whom has any interest in the particular case. In other words, they act in a judicial or a quasi-judicial capacity.

Now, if this bill is passed, it means that if anybody wants to arrest me or get a warrant against me for the commission of a crime, instead of going to court or to the clerk of the court he can go to the corporation counsel, who is going to be the prosecuting attorney to prosecute me in court, who is in the anomalous position of first issuing a warrant for my arrest and then trying me.

The only argument that the committee has to make in behalf of this proposed fundamental change in the principles of our law, taking away that safeguard which is fundamental and which has stood for generations, is simply the saving of time. It is about time, in my judgment, that we did something on the basis of the fundamental principles of government rather than simply to listen to a proposition like this, which is offered to us as a time-saving device.

Mr. ZIHLMAN. The judges have recommended this.

Mr. STOBBS. I do not care whether the judges have recommended it or not. It is we who are legislating here—ourselves—and not the courts of the District of Columbia. There is not a legislative body in any State of the country that would let this proposition go into effect. I myself have been a prosecuting attorney, and I think it would have been preposterous for me, acting as such, to issue a warrant when later I was to be the prosecuting officer who would conduct the case.

Mr. BLANTON. Mr. Speaker, I would like to have five minutes for the purpose of offering amendment.

Mr. ZIHLMAN. I yield to the gentleman five minutes.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause of the bill.

The SPEAKER. The gentleman from Texas moves to strike out the enacting clause.

Mr. BLANTON. The present corporation counsel for this District, Judge Bride, is a splendid lawyer and a fine gentleman. The District ought to be proud of having in its service a man of his high character at the head of that department. But he has a bunch of assistants who ought not to have this power. As I heard a friend say a moment ago, they ought to be preparing their cases instead of swearing witnesses to this or that allegation. There are plenty of notaries scattered all around the District Building. There are plenty of authorities in the District Building who are authorized to swear witnesses. They are accessible at all times. They can be found. They can be used.

I do not think there is any necessity whatever for this legislation. It is dangerous. I agree with the gentleman from Massachusetts [Mr. STOBBS]. What is the use of passing it at present? I think the enacting clause ought to be stricken out. That would end it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a vote on my motion to strike out the enacting clause.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ZIHLMAN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 23, noes 5.

So the motion to strike out the enacting clause was agreed to.

On motion of Mr. BLANTON, a motion to reconsider the vote whereby the enacting clause was stricken out was laid on the table.

#### PERMIT FOR OPENING A GRAVE

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up House bill 7722, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House bill 7722, and consider it in the House as in Committee of the Whole. Is there objection?

Mr. SCHAFER. What is the calendar number?

Mr. ZIHLMAN. Private Calendar No. 387.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7722) authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards

*Be it enacted, etc.,* That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the opening of the grave of the late Nellie Richards, who was interred in the Congressional Cemetery on October 18, 1897, so that the late Gertrude Richards, a sister of the aforesaid Nellie Richards, may be interred in the same grave.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask the chairman of the committee to explain why we must pass this legislation here?

Mr. ZIHLMAN. Under the District Code of Law the health officer has the power to issue permits for the opening of graves of deceased persons except where such persons died from a contagious disease. The health officer informs me he has no power to permit the opening of a grave in the case of death by contagious disease. This body was interred some 30 years ago, but the records of the health department show that this lady was suffering from diphtheria, a contagious disease, and it is necessary to pass a law for the opening of the grave.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill H. R. 7722:

[To accompany H. R. 7722]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7722) to authorize the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards, having considered the same, report it back to the House with the recommendation that it do pass.

The purpose of the bill is to permit the interment of the remains of the late Gertrude Richards in the grave of the late Nellie Richards in Congressional Cemetery.



The Board of Commissioners of the District of Columbia recommend favorable action on the bill, and state that in the opinion of the health officer the interment can be made with absolute safety and without nuisance.

The Code of the District of Columbia, section 675, provides:

"No dead body of any human being or any part of such body shall in said District be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred." \* \* \*

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### ESTABLISHMENT OF A WOMAN'S BUREAU IN THE METROPOLITAN POLICE DEPARTMENT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 6664, and consider it in the House as in Committee of the Whole.

Mr. CHINDBLOM. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there shall continue to be a women's bureau in the Metropolitan Police Department of the District of Columbia, to consist of one director with the rank of assistant superintendent, who shall be directly responsible to the major and superintendent of police; one assistant director with the rank of captain; one case supervisor; three patrol supervisors; and 61 privates, 6 of whom shall be between the ages of 35 and 45. All officers and members of the women's bureau shall be women, but the major and superintendent of police may, upon the request of the director, detail for service in the women's bureau such number of men from the officers or members of the Metropolitan police force as the major and superintendent of police may deem advisable, and while so detailed such officers or members shall be subject to the direction and control of the director.

SEC. 2. (a) The Commissioners of the District of Columbia shall appoint to office and promote all officers and members of the woman's bureau. All officers and members of the woman's bureau, except the director and the assistant director, shall be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except that (1) minimum preliminary requirements for appointment shall be graduation from a standard high school or the completion of at least 14 college entrance units of study, and either not less than two years' responsible experience in systematic social service or educational work or not less than two years' responsible commercial experience involving public contact and tending to qualify the applicant to perform the duties of the position, and (2) promotion shall not be made except upon report of the director that conduct, intelligent attention to duty, and improvement through training in special courses justify such promotion.

(b) The director shall be a trained social worker, as evidenced by a certificate of graduation from a recognized school of social work, or the equivalent of such certificate from a college of the first class, and at least two years' executive responsibility in work with individual delinquents.

(c) Except as otherwise provided in this act, the officers and members of the woman's bureau shall be subject to the same rules and regulations and to the same discipline as other officers and members of the Metropolitan police force in so far as such rules, regulations, and discipline are consistent with the special class of work performed by them and shall be possessed of all the rights, powers, benefits,

privileges, and immunities now possessed or which may hereafter be possessed by other officers and members of the Metropolitan police force, it being the intent of this act that the officers and members of the woman's bureau and other officers and members of the Metropolitan police force shall, so far as practicable, and according to the period of service and classification, be upon the same footing.

SEC. 3. The annual salaries of the officers and members of the woman's bureau shall be as follows: The director, the assistant director, and the private shall receive the same salaries as other officers and privates of the Metropolitan police force with the same grade and rank; the case supervisor and the patrol supervisors shall receive salaries at the rate of \$2,700 per annum.

SEC. 4. The functions of the woman's bureau shall be to do preventive-protective work and to exercise the functions of the police in the cases of women and children, whether offenders or victims of offenses, subject to the laws and regulations of the District of Columbia. Nothing contained in this act shall be construed to limit the authority of any officer or member of the Metropolitan police force, not connected with the woman's bureau, except with respect to women and children who are in the custody of the police.

SEC. 5. The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act, except that (1) the lieutenant and sergeant in office at the time of the passage of this act shall, as director and assistant director, respectively, of the woman's bureau, hold the rank and receive the pay of an assistant superintendent and a captain, respectively, of the Metropolitan police force, and (2) the privates serving at the time of the passage of this act in the capacity of case supervisor and control supervisor, respectively, shall no longer be known as privates but shall be continued as case supervisor and patrol supervisor, respectively, as herein provided.

SEC. 6. The Commissioners of the District of Columbia are authorized to appoint for duty in the woman's bureau, in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, one office secretary, six stenographers, three typists, and such other assistants as may be provided for by the Congress from time to time. The compensation of such employees shall be fixed in accordance with the classification act of 1923.

With the following committee amendments:

Page 1, line 5, strike out the words "to consist" and insert "in charge."

In the same line strike out the words "with the rank of assistant superintendent."

In line 7 strike out the words "with the rank of captain."

In line 9 insert, after the word "and," the words "not more than," and after the word "privates" strike out the words "six of whom shall be between the ages of 35 and 45."

On page 2 strike out all of lines 2, 3, 4, 5, 6, and 7 and insert "Any policeman who may from time to time be detailed to the woman's bureau."

In line 9, after the word "director," insert the words "while so detailed."

In line 20 strike out "(1)."

In line 21, after the word "be," strike out the remainder of line 21 and all of lines 22, 23, 24, 25, and on page 3 strike out lines 1, 2, 3, 4, and 5 and insert "in accordance with the United States civil service standards existing January 1, 1928."

On page 3 strike out all of lines 8, 9, 10, 11, 12, and 13 down to and including the word "act."

In line 15 strike out the word "same"; in the same line strike out the word "and," the words "to the same," and the word "as."

Strike out all of lines 16, 17, and 18 and insert "prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

In line 22, after the word "and," insert the word "they."

On page 4, line 5, after the word "the," strike out the words "annual salaries of the."

In line 6, after the word "shall," strike out the words "be as follows: The director, the assistant director, and the privates shall."

In line 9 strike out the semicolon after the word "rank" and the remainder of line 9 and all of lines 10 and 11.

Strike out all of section 4, beginning in line 12 and ending in line 20, and insert:

"The purpose and functions of the woman's bureau shall be in accordance with the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

On page 5, line 5, after the word "act," strike out the comma, the remainder of line 5, and all of lines 6, 7, 8, 9, 10, 11, 12, 13, and 14.

In line 22, after the word "States," strike out the comma, the remainder of line 22, and all of line 23 and insert "such clerical force."

Mr. BLANTON. Mr. Speaker, I ask recognition on the committee amendments. Mr. Speaker, this bill has been before the District Committee, off and on, ever since I have been a member of it. It is merely to make lawful that which already exists by the will of the commissioners and which has existed for years. In addition it gives the Appropriations Committee the power, whenever they think it necessary, to add additional officers. It makes it lawful for Mr. MADDEN's committee to provide for additional officers whenever a proper showing is made before the Appropriations Committee. There is the bill.

I want to say this: The bill is approved by the Parent-Teachers' Associations in the District of Columbia, it is approved by the Daughters of the American Revolution, it is approved by the Federated Clubs of the District of Columbia, it is approved by practically all of the citizens' associations of the District of Columbia, it is approved by the District Commissioners, and it is approved by various welfare committees.

Mr. MAPES. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. MAPES. Does the gentleman from Texas approve of it?

Mr. BLANTON. Yes. However, I preferred it without any amendments. I will say this to my friend: There were those on the committee, including the distinguished gentleman from North Carolina and the distinguished gentleman from Massachusetts, who thought it should be materially amended, and the committee agreed to all of their amendments.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAMMER. I agreed with the express understanding that it did not in any way change the meaning of the law from the bill as reported at the last session of Congress, and I was assured it did not. I knew nothing whatever about what was in the police manual.

Mr. BLANTON. I think the gentleman misunderstood me. I was telling my friend from Michigan that the gentleman from North Carolina insisted on this bill being amended and that we did amend it, both at his suggestion and at the suggestion of the gentleman from Massachusetts, and the committee then adopted other perfecting amendments offered by Mr. GIBSON.

Mr. HAMMER. It was, as I thought, to be exactly like the bill that was reported favorably last year; and then there was the suggestion that we make one other modification, and that was that the rules of the police manual be observed.

Mr. BLANTON. I wish the gentleman would get his own time.

Mr. HAMMER. I do not want to be misquoted; that is all; and I do not think the gentleman intended to do that.

Mr. COLLINS. Mr. Speaker, this is a very important bill, and I make the point of order that there is no quorum present.

Mr. MAPES. I would like to ask the gentleman from Texas another question.

Mr. BLANTON. I shall be glad to answer it.

Mr. COLLINS. Mr. Speaker, I withdraw the point of order.

Mr. MAPES. I would like to get the gentleman's construction of section 5 as it is proposed to be amended, which reads this way:

The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act.

I would like to ask the gentleman from Texas if it is his construction of this language that these women are placed in their positions by statutory law for all time, regardless of subsequent behavior?

Mr. BLANTON. Oh, no; they are subject absolutely to the rules of the manual of the police department and subject to all the regulations applicable to the police bureau, as the gentleman will see from the language of the bill.

Mr. MAPES. Let me ask the gentleman—

Mr. BLANTON. I want first to complete my answer to your question. I want to say with respect to keeping these women in their present positions, subject, of course, to the regulations, your former Commissioner Rudolph told me in his own office that the superintendent of this bureau, Mrs. Mina Van Winkle, had spent \$66,000 out of her own money in cleaning up and perfecting the bureau.

Mr. GALLIVAN. Where did she get it?

Mr. BLANTON. She inherited it. It was money out of her own fortune. She is that kind of woman. She was so interested in this work that she spent this amount of her own money,

and I have been through her bureau from top to bottom, and it is as clean as it can be all the way through.

Mr. UNDERHILL. Mr. Speaker, I wish to add a few words to what the gentleman from Texas has said. This bill has been before the committee ever since I have been a member, and it has been a thorn in the flesh of every member of the committee. I acknowledge that I have opposed it in season and out. I have fought it to the best of my ability, and for at least three or four sessions have prevented the passage of the bill as introduced in the committee.

Last year the committee amended the bill materially, so that it merely legalized the present status of the policewomen's bureau, which is a recognition of a very efficient arm of the police service. This was reported as being perfectly satisfactory, and when the bill was reintroduced this year it was supposed that that bill as amended would be the bill introduced. Instead of that the old bill became before the committee again with all of its injustices and inequalities and dangers, and the committee sat down and amended the bill and struck out all of those provisions.

It was thought that some of us took a little advantage of our colleagues, and so at a subsequent meeting of the committee this action was reconsidered and the bill again came up for consideration.

Then the suggestion was made that an amendment striking out section 4 be adopted and that we insert four or five lines setting forth that the functions of the woman's bureau should be in accordance with the police manual. Well, at that time it seemed a reasonable proposition, and as no police manual was handy it was accepted by the opponents of the bill—I will call them opponents of the bill—but upon investigation later on, we found that the police manual contained all of the objectionable features that were in the previous bill.

So I shall move, in addition to the committee amendments, that on page 4, lines 21, 22, 23, 24, and 25 be stricken out and that section 4 be reinserted in the bill. In this way it will restore to the bill—

Mr. HAMMER. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. HAMMER. I understand that section 4 of the bill is identical with section 4 of the bill reported in the last session of Congress.

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Then all we would need to do would be to vote down the committee amendment?

Mr. UNDERHILL. No; let us accept all the committee amendments, but in the meantime, in accepting the committee amendments, unless I can find some parliamentary procedure—

Mr. BLACK of Texas. The gentleman is speaking with reference to section 4 of the bill?

Mr. UNDERHILL. My reference is to all the committee amendments.

Mr. BLACK of Texas. Will not the committee amendment striking out section 4 be submitted separately?

Mr. UNDERHILL. I will ask that that be considered separately and we will strike out lines 21 to 25.

Mr. BLACK of Texas. If I understand the gentleman, his contention is that when the amendment is submitted to carry out his view, the House should vote down the committee amendment striking out section 4 which would leave it as it was in the original bill?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman tell us what kind of police work these women perform?

Mr. UNDERHILL. Yes; the policewomen are doing a very effective work and they have my hearty commendation.

Mr. GALLIVAN. What is the effective work they are doing?

Mr. WELSH of Pennsylvania. Yes; tell us about that. You are providing here for 60 policewomen.

Mr. UNDERHILL. No; not more than 60. This was one of the amendments suggested by the gentleman from Massachusetts, and it leaves this entirely in the hands of the Committee on Appropriations of this House.

Mr. WELSH of Pennsylvania. Tell us what police work they are doing?

Mr. UNDERHILL. The women have charge of what we might call the welfare work—if you know what that is—of the District of Columbia, and it is quite necessary with the cosmopolitan population here, and particularly with the colored popu-



lation, that we should have a corps of welfare workers vested with certain authority which will really give them a standing with a certain proportion of the community.

Mr. DOUGLASS of Massachusetts. What do they do?

Mr. GALLIVAN. Are there any colored policewomen here?

Mr. UNDERHILL. No.

Mr. GALLIVAN. But they work among the colored population.

Mr. UNDERHILL. Yes.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAPES. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. MAPES. The language on page 3, paragraph (c) of the original bill or paragraph (b) as the committee proposes to amend it, provides that—

the officers and members of the woman's bureau shall be subject to the rules, regulations, and discipline prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926.

It seems to me that the language of the committee amendment presupposes at least that the manual of the department now is perfect and will never need revision or perfecting in the future; is that the gentleman's construction of this language?

Mr. UNDERHILL. No; and there might be some objection to writing any portion of the manual into substantive law. But as a matter of fact it simply places the women on the same basis as the men.

Mr. MAPES. Is that true? It says the officers shall be subject to the rules and regulations and discipline described in this manual of this date. It does not seem to me that there is a particle of exception to that, and that it subjects the woman's bureau at least to the regulations of this manual as already provided.

Mr. UNDERHILL. That is not the language of the speaker. The language which the gentleman addressing the House would be the language that was stricken out in lines 16, 17, and 18, rather than those inserted in lines 19, 20, and 21—but that is a matter of little moment.

Mr. WELSH of Pennsylvania. Does this bill meet with the approbation of the superintendent of police?

Mr. UNDERHILL. Yes; and the police commissioner.

Mr. WELSH of Pennsylvania. Did he ask for it or merely approve it?

Mr. UNDERHILL. I think he appeared in behalf of the legislation before the subcommittee.

Mr. DOUGLASS of Massachusetts. How many women police officers are there in the District?

Mr. ZIHLMAN. In the neighborhood of 25.

Mr. UNDERHILL. I think there are 30 or 32.

Now, in conclusion, let me say that this bill has plagued us in the past and unless we pass it it will continue to plague us in the future. I do not know what will happen to it in another body, but at least the House can go on record this afternoon as in favor of this bill, drawn in this way and manner, and not in favor of a bill which gives extraordinary powers and separate jurisdiction to women engaged largely in the same endeavor as men.

I am absolutely in favor of and would like to see one police-woman in every precinct station in the District of Columbia. I think that is a wise provision, but when you give extraordinary powers to any one member of that force you immediately create dissension and trouble in the whole department. If we can pass this bill we will be relieved of that trouble.

Mr. MORTON D. HULL. Are these policewomen now recognized by law?

Mr. UNDERHILL. No; they could be fired to-morrow by the chief of police if he saw fit.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I move to strike out the last word. Mr. Speaker and Members of the House, I desire to crave your indulgence for a few moments. I do so for the reason that I want to read an address of about two pages, and then ask you to permit me to incorporate in my remarks excerpts from the articles to which they refer, by Garett Garrett and James M. Thomson, in the Saturday Evening Post, whose enormous circulation makes it speak to an audience in homes, in towns, villages, hamlets, crossroads, and in cities big and little over the continent.

I am mindful of the fact that I might have waited until the end of the consideration of these bills and asked for the privilege of addressing the House for 15 or 20 minutes and of extending my remarks; but it has been deemed by gentlemen who have requested me to deliver this address to speak it on the floor now, and then secure the privilege to which I have referred, for the reason that a point of order will be made soon that will lead to an adjournment. In fact, it will be made, I am informed, as soon as I finish unless further consideration of the pending bill is abandoned. Of course, the flood situation in the Mississippi Valley is of the utmost importance to us.

Mr. UNDERHILL. Does the gentleman from Louisiana realize that he is supposed to confine his remarks to the bill under consideration?

Mr. O'CONNOR of Louisiana. No; I did not realize that. I thought I could discuss other matters on District bills.

Mr. UNDERHILL. That used to be the rule, but it is not now.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana may proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Louisiana may proceed out of order. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I will tell the gentleman from Massachusetts a story, with another's tongue and another's eloquent pen, which will illustrate forcibly the fact that the Mississippi flood conditions and the solution of that annual problem are of the utmost importance to us of the valley particularly and to the Nation generally.

Mr. UNDERHILL. The gentleman from Massachusetts has been down there and knows all about it.

Mr. O'CONNOR of Louisiana. Then I know you will lend a sympathetic ear to the story my remarks and those of Garett Garrett and James Thomson will tell.

Mr. Speaker and Members of the House, I desire to call the attention of the Congress to an article of extraordinary ability and insight written by Garett Garrett, which appeared in the Saturday Evening Post of March 10, 1928. The article is captioned "A tale of thirteen billions." It is written primarily for the purpose of discussing the policy of the United States Government as relates to foreign loans. It mentions incidentally the very generous policy which our Government has followed in relieving foreign borrowers of some \$7,000,000,000 which they owed us at the end of the war. It mentions outright gifts from our great Nation to the suffering and starving people of other nations. I do not care to go into a discussion of this phase of this article, but I do desire to call the attention of the House to the argument set forth clearly and, to my mind, convincingly by this forceful writer for this great magazine that there is a proper outlet for the vast surplus accumulation of capital in our country on projects of undoubted merit; projects which will add to the wealth of our country; projects which are an investment. In order to avoid taking up your time and the burdening of the Record, I have attempted to take from Mr. Garrett's article only those parts which present statistics and arguments along this line. Mr. Garrett mentions six projects of national import, one the Mississippi River system, another the Intercoastal Canal, and another the Nicaraguan Canal. It happens that I have introduced a bill looking forward to an investigation of the Nicaraguan Canal; it happens that I have introduced a bill relating to the development of the Mississippi River system; it also happens that I am identified with the development of the Intercoastal Canal. I desire to call the attention of Congress to the other projects mentioned, not that I or anyone else proposes at this time without due and thorough exhaustive investigation that our Government should enter forthwith on the expenditures involved in these projects, but it is well that we in Congress catch the vision of great national development and of an intelligent selfishness in this development of our Nation and the intelligent utilization of capital which we are sending abroad to stimulate industry in foreign lands while unemployment increases in our own country.

In this connection, I desire to state that while I am not always in agreement with the views set forth in the Saturday Evening Post, I do desire to acknowledge and commend the persistent vision shown by the editor of this magazine, Mr. George Horace Lorimer, and by the magazine itself in the constant presentation of intelligent matter regarding all sections of the United States and more particularly regarding the substantial problems of our country. Too many of the publications of national circulation in the East ignore matters of vast and vital interest to that part of our Nation which lies west of the Allegheny Mountains, in the great Mississippi Valley and in the

far West. In the treatment of our own flood problem the Saturday Evening Post, and other publications of the Curtis Publishing Co., have shown an interest in publishing articles of authority on phases of this problem. These have been most helpful in calling these problems to national attention and in aiding in keeping the facts before the country.

This is a vast continent. Problems are many and complex. Congress will shortly consider the flood problem in the Mississippi River. In this connection the House of Representatives may take the credit to itself for having, through its Flood Control Committee, made the most thorough, the most exhaustive, and the most intelligent investigation of this problem during the life of the present Congress that has ever been made on this subject. To the credit of the majority party, it must be stated that its leaders and members have shown every disposition to investigate and treat this flood-control subject on a nonpartisan, nonpolitical, and patriotic basis. The precedent set here regarding the treatment of the flood problem in the lower Mississippi must be followed by the House and by the Senate no matter what changes may come in the political complexion of these bodies in the years to come. We must rise above sectionalism, factionalism, and narrow interest and must consider the Nation's problems for development in times of peace as we considered the Nation's problems for prosecuting the Great War. It is on this basis that we consider the flood problem. Mr. Garrett observes:

One hundred years ago flood control of the Mississippi River was an unimagined undertaking. We were without the means, the skill, or the capital. To-day the neglect of it is merely a sign of national folly.

While we are lending our wealth in a prodigious manner to other nations, we have in hand of our own no national undertaking at all commensurate with our powers. There has been nothing since the Panama Canal to give us, in time of peace, any sense of putting forth a mighty effort. And this is not for want of works to do.

#### GREAT NATIONAL NECESSITIES

Imagine seeing this country as a moving photomicrograph, the whole of it in one field of vision. What would appear? Rivers running wild and overflowing, enough power going to waste to absorb all human drudgery, cities fighting for water, not because there isn't plenty but because they have been individually taking it the easiest way, the level of the Great Lakes falling, locomotives struggling over mountains with trainloads of coal that ought to be burned at the mines, commodities moving absurd distances and roundabout because the artificial lines of transportation happen to converge in a few places, terrific congestion in those places, two unexploited empires lying west of the Rio Grande, areas here and there to be reclaimed by irrigation or drainage, each the equivalent of adding another State to our resources.

Knowing what means and tools we had to begin with and how recently it was that all this was wilderness, you would not belittle the wonder of what we have accomplished; but much more you would be struck by the immensity of what we have yet to do. You would realize that our development until now has proceeded along lines of least resistance, one thing upon another, with vicinity vision. That way is at an end. The future will require scientific development under the authority of national vision. That way is opening. We know many things we ought to do and how we ought to do them; we have means in surplus. Yet we procrastinate. Beginnings are involved in disputes between States over prior advantage or between conflicting theories of private and public function. Consider only a few of the great projects that have been definitely visualized.

One is to bring the sea to Chicago and Duluth and make every harbor on the Great Lakes an ocean port. This can be done by raising the level of the Lakes to what it was before they began to shrink, and putting 30-foot shipways in place of the shallow bottleneck connections that now make it impossible for ocean steamships to navigate the most important natural inland transportation system in the world. In this one idea, presenting itself as an engineering problem, complicated by political difficulties, there is endless matter of unmade history, touching the destinies of American agriculture, the migrations of industry westward, and the tides of population; also a by-product of 4,000,000 hydroelectric horsepower.

A second is to make the Mississippi River system a docile carrier, waterer, and turbine slave, by the engineering trick of impounding the wild power of its flood, and then giving it back as tame energy.

"In the great basin of the Mississippi," says Mr. Hoover, "there lies the possibility of a development of the most fundamental economic importance. \* \* \* We have here a drainage upon which, for moderate cost, we can provide a modern transportation system of 9,000 miles of connected waterways, serving 20 States, furnishing a complete north-and-south trunk line across the Nation through the Lakes from Duluth, through Chicago to the Gulf of Mexico, and east and west from Pittsburgh to Kansas City." And of the 3,000,000 hydro-

electric horsepower that would be incidentally captured, he adds: "The devotion of a large part of the power to the development of the electrochemical industry is a national necessity for industry, agriculture, and defense."

A third is to develop the natural indications of an intercoastal waterway for barge movements from Boston to Florida, New Orleans, and Galveston. Pieces of such a protected waterway are already made, such as the Cape Cod Canal, but there is no plan for a complete system.

When you read that last year we lent \$1,750,000,000 abroad and that this year we may lend \$2,000,000,000 more, what do you see? A row of figures. What do you think? Something more or less vague about world trade. Who has ever seen \$2,000,000,000? It is a mathematical quantity. How shall one imagine it? With some notion of this difficulty the statistician descends to put his figures through absurd antics. Our loans to foreign countries for a year equal a taxi fare of \$4 a mile to the moon and back. So! Well, what of it?

But if you will relate the figures that express our investments abroad to figures that express the estimated cost of such national works as have been enumerated, you will be coming to a sense of value in equivalents. The cost of these works would be \$2,500,000,000, distributed as follows:

For the Great Lakes project.....	\$500,000,000
For the Mississippi River system.....	500,000,000
For the intercoastal canal.....	250,000,000
For the Colorado River system.....	250,000,000
For the Columbia River system.....	300,000,000
For the Nicaraguan Canal.....	700,000,000

Total.....\$2,500,000,000

In the year 1927 we increased our foreign investments by \$1,750,000,000. In the year 1928 we are expected to increase them by \$2,000,000,000 more. Total in two years, \$3,750,000,000.

#### AN INDEFINITE DISTINCTION

This is measurement only. As illustration it would possess a serious fault. A large proportion of the \$1,750,000,000 invested abroad last year was in these modern circumstances necessary. That must be said also as to roughly the same proportion of the \$2,000,000,000 we are thinking to invest in foreign countries this year. Therefore you can not say literally there is a capital sum of \$3,750,000,000 that could be or might have been translated into works of our own.

Take it differently. By the end of this year the total of our private investments in foreign countries will be at least \$15,000,000,000. It would be rash to say that as much as two-thirds of this vorticular sum was for what bankers and economists call productive purposes. There is a distinction, theoretically definite but practically indefinite, between uses of capital that are productive and uses that are unproductive.

Capital devoted to the further creation of wealth is called productive. Capital loaned to industry is supposed to have that character generally. Capital loaned to foreign governments may or may not have it. One is never sure. The Government may say it will use the capital to develop electric power, railroads, or waterways, and may, in fact, do so, whereupon the capital is said to have been used for productive purposes. Nevertheless, capital borrowed for those purposes may serve only to release other capital of that Government's own to be spent for unproductive purposes.

#### WHERE THE MONEY COULD GO

However, suppose two-thirds of all that \$15,000,000,000 of American capital invested abroad to represent productive purposes, tending to increase the wealth and trade of the world. Then what of the other third, amounting to \$5,000,000,000? It passes through the hands of governments and municipalities, and is spent for all manner of things—in part for subsidies, for doles, in strife, directly and indirectly for armaments, to pay German reparations to the Allies, to build stadiums, to pay old debts, to balance budgets, to restore the value of national currencies, and so on. A great deal of it has been and will be wasted and lost. We shall be very lucky as investors—luckier than we deserve to be—if some of it does not turn out to be unrepayable.

Well, now apply the scale to this \$5,000,000,000 loaned abroad for presumably unproductive purposes. Deduct first that \$2,500,000,000 worth of works that have been priced, including the Nicaraguan Canal. They are paid for. You have \$2,500,000,000 left.

Various housing commissions seek ways and means to provide model tenements for people of small incomes in the cities. Give them the capital necessary to procure this blessing for 100,000 families at \$10,000 per family, and still you have \$1,500,000,000 left.

The United States Shipping Board, through which we have been trying, with a fumbling, stinging effort, to found a merchant marine, says it needs a lot of big new ships to meet the competition of European ships, not a few of which by our loans we have assisted Europe to build. Give the United States Shipping Board 100 new ships at a cost of \$10,000,000 each, or 200 at a cost of \$5,000,000 each.

There is still \$500,000,000 left. What shall we do with that? With \$500,000,000 we might build a motor highway from Texas to Argentina and treat it as a foundation in Pan-American relations. Would it pay? Ask a motor manufacturer, a diplomat, or an exporter if it would pay. Though not one dollar of the capital were ever returned, still it



would turn out to be an economic resource of enormous value. For the ultimate reactions upon industry, commerce, and politics we could well afford to build it and then give a quitclaim deed of it to the separate countries.

Mr. Garrett deals entirely with the loans made by our international and other bankers to private enterprise in Europe. He does not mention the approximately \$11,000,000,000 loaned to the allied nations of Europe during the course of and immediately after that titanic struggle which caused England's back to go to the wall and sent her cry of agony over the Atlantic Ocean to her powerful kinsmen in the United States to save her from the destruction which threatened. It was that cry as a principal factor, though we were not unmindful of the tender memories that bound us to France—memories that kindled in our soul during the Revolutionary War and which came back like burning stars to light the appalling gloom that hung over desperate, heart-broken, and prostrate France of 1917. It was that cry in our ears largely that marshaled our blood and our billions behind the Allies and brought them out of the black night of defeat to a sunlit and glorious victory. Eleven thousand million dollars was the money that we put up to Europe to save Europe. And the tears of American mothers and the graves of American boys, for many of our young soldiers rest "over there" with nothing but a cross above the ground in which they will rest forever, carrying the simple inscription "Sacred to the memory of an American soldier." In other words, our war-time investment from the national standpoint to the European governments plus our peace-time investment to private enterprise total the stupendous, the almost inconceivable, the incomprehensible sum of \$26,000,000,000 plus. No one has complained of our saving of Europe from the Moloch of war, and no one has ever thought of protesting against our efforts to put Europe upon its feet. We only express our surprise and our grief at the thought that our own kinsmen in some quarters do not extend the same aid and comfort and the justice to which we are entitled to that great section known as the Mississippi Valley. With a proper appropriation—that is, one adequate to the results the students of waterways see in the not far distant future—a controlled river and a protected adjacent and contiguous country. From such a new environment will spring a scene of activity which will test and challenge the genius of industry, commerce, and transportation.

The Mississippi River and its great tributaries, reaching out eastward to the Alleghenies and westward to the ramparts of the Rockies, under the direction of scientific engineering would make for a navigation never known before on all of the waters of the world; a power that would move the factory wheels of every plant in the valley and light the cities and villages to the mountain tops; and furnish water for irrigation purposes to the desert, which would then blossom as the rose. And this El Dorado could be produced by Uncle Sam as a magician waving a wand of not more than a billion dollars—one twenty-fifth of the appraised values of our railroads and about one twenty-fifth of the sum that America has spent and invested in Europe in less than 10 years. Some few question the accuracy of this envisionment and call it a dream. Let me dissipate that statement. The great author of the Age of Reason said that when he wished to demonstrate to a doubting Thomas that the universe is illimitable, boundless, endless that he asked, "Where is the end, and after that, what?" And we who believe in the valley, who in the night of despair saw the glories of the coming day, ask, Would not the completion of our waterways have been necessary to achieve such results if railways had not come into existence and temporarily stayed the great development of our rivers and tributaries? Read the following characteristic utterance of a man who has spent his money and given unstintingly of his time since the great disaster came upon us in the hope that such another tragedy may never overtake us again. He has fought for what he thought is the remedy. The cloud by day and the pillar of fire by night, which has led him in his indefatigable efforts in behalf of the people of the valley has been the sublime words of the Great Evangelist, "Ye shall know the truth, and the truth will make you free."

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#### THE MISSISSIPPI RIVER SPILLWAYS

By James M. Thompson

If you belong to that aristocracy whose grandfathers owned and used bathtubs, you may know that the old tub was a crude affair. Both the tub and the water were brought into the warm room on Saturday night.

Then, in father's day, the plumber hitched up a tin tub to the new-fangled running-water contrivance—one pipe led to the tub from the

cold-water reservoir, another from the hot water. A rubber stopper attached to a chain served to hold the water in the tub. When the stopper was removed the water ran out. But life was complex even in those days, and sometimes father or mother, the nurse or the children left the water running with the stopper left in the drainage hole in the tub, and then the water filled the tub and ran over the top.

This thing happened in many homes and in many hotels, causing sorrow, inconvenience, and loss. Then some wise men evolved the idea of placing an exhaust hole in the bathtub about a quarter of the distance down from the top. And to-day almost all bathtubs are flood-proof and foolproof, for the water can get out through this hole faster than it can run in through both the cold and hot water spigots. Thus the world is safer for bathers, and damaging and destructive floods are avoided in modern homes and hotels.

Now, that last hole which was finally put in the bathtub is, in fact, a spillway. The water in the modern tub is allowed to come up to a certain safe level, then this new safety factor becomes effective. The water is spilled out of the tub so fast that it can not reach a dangerous level. The exhaust pipe takes it away through a safe outlet. Its dangerous tendency to flood is controlled.

Many things are different in Louisiana, and many things about the Mississippi River, particularly the lower part of this great stream, which flows from Arkansas through Louisiana to the Gulf of Mexico, are different from the other parts of the stream, and from other rivers. Accordingly, as people generally do not understand lower Mississippi River conditions, it is not surprising that they do not understand at once how Louisianians propose to control the mighty floods of the Mississippi River by the application of spillways to the levees, or banks, of the river.

#### THE BEGINNING OF THE RIVER POLICY

In the hearings before Congress regarding the Mississippi River flood problem, in public speeches, and in print, there have been statements to the effect that the adoption of spillways for flood regulations will reverse a river flood-control policy of 50 or 100 years. Others have gone as far as 150 years in their estimate. As a matter of fact, the levee system of Louisiana is more than 200 years old.

The first levee on the Mississippi was begun by the engineer Le Blond de la Tour, who erected a levee a mile long to protect the infant city of New Orleans from overflow.

Levees have been built ever since, so there is historical engineering precedent aplenty for the idea of throwing up a breastwork of earth against Mississippi flood waters. The real trouble with the scheme of Le Blond de la Tour was that it worked. It is probable that his mile-long levee was but 2 or 3 feet high. The eminent father of Mississippi levees is reported to have died in 1725. He doubtless went to his grave confident that he had solved the Mississippi flood problem for all time to come. And who would have believed differently in his day? For, if the floods threatened his little levees, all that was necessary was to build them a little bit higher.

France had to build a city at New Orleans on the banks of the Mississippi. Control of the mouth of the river meant control of the great Mississippi Valley. At New Orleans in the springtime, when the great river went into flood, the river rose 1 or 2 feet. The new city must be protected. What more simple, natural, and logical than to throw up against these floods a continuous mound of dirt 3 or 4 feet high? This first levee stood between the city and the river and protected the city.

The little levee was good and bad. The city was protected and grew, and because the first levee worked other levees were built below the city and for 1,000 miles above the city. They would all have worked if the levees had been built only on the east bank of the river, and the flood waters of the Mississippi had all been allowed to spill over on the west bank. But the trouble was that everybody wanted the water kept off his land; so everybody, east side and west side, built levees. They built them as high as they could and as strong as they could, and they built levees wherever they could build them on the main stem of the Mississippi and on thousands of miles of the 15,000 miles of its navigable tributaries.

The Baron Pontalba was a big man in New Orleans in his day—a century after De la Tour lay high and dry in his levee-protected tomb—and we find the baron writing to France, telling the home folks that he was much discouraged. For after the spring rise of the Mississippi River he finds that he will have to build his levee a foot higher. So, in the centuries which have passed and in the decades which have passed, after each great flood in the Mississippi River, the word has gone back to France, back to Spain, to France again, then to the Governor of Louisiana, and then to Uncle Sam at Washington: "We are much discouraged; we will have to build our levees higher."

But this year, for the first time since De la Tour built the first levee—which worked well for a while—the historic habit and policy of relying on levees alone for flood protection is to be abandoned. The great flood of the spring of 1927 has changed the mind of everyone in the levees-only theory. More levees may be built to hold more flood water in, but great spillways and flood ways are to be built to let more water out.

Building up the sides of the bathtub will no longer do. We don't know how much water may be run into the bathtub from its tributary spigots, but we are going to put holes enough in the sides of the river to let out a great deal more surplus flood water than ever came down the Mississippi River in the spring of 1927. "Will these spillways work?" you may ask. Of course they will work. No engineer and no layman acquainted with the Mississippi River ever has questioned the fact that the spillways will work. The reason for this is that in every great flood of the Mississippi River the levees have broken at some points. The surplus waters of the river have rushed through these breaks, called crevasses, and these crevasses have simply been spillways for the surplus waters of the river.

The only difference between the new spillways which are to be constructed and controlled and the old spillways made by the flooding river at the weakest points in the chain of levees is that the controlled spillways should and will do away with flood danger and flood damage in the lower river.

They will drain the surplus flood waters of the Mississippi out to the Gulf of Mexico as the surplus waters in the bathtub are drained out by the modern plumber's exhaust pipes. They will no longer threaten to break loose where they are not wanted, threatening the lives and property of some millions of American citizens.

#### TWO ROADS TO THE SEA

Many things regarding the Mississippi River floods in its lower regions in Louisiana are difficult of understanding by those not acquainted with actual conditions there. The waters which contribute to Mississippi River floods come from 31 States, from the Great Lakes, and from Canada. Unprecedented rainfall in Louisiana would have little effect on Mississippi River levels. But Louisiana contains the last four hundred-odd miles of the main stem of the Mississippi. So the river has naturally to handle its greatest volume of flood waters in Louisiana.

About halfway down its course in Louisiana the Mississippi is joined by its main Louisiana tributary, the Red, and just below the point of junction of the Red and the Mississippi the great river splits and empties its waters into the Gulf by two mouths. One of these is named the Atchafalaya. The other—the main stream of the Mississippi—continues by way of Baton Rouge and New Orleans. So there is really about 700 miles of the Mississippi River in Louisiana—500 on the main stream and 160 on the Atchafalaya.

Now, when the great river is in flood in these lowest regions its waters, held in by levees, rise high above the surrounding land. And if its levees break, either along the Atchafalaya or the Mississippi, the water which thus runs out of the river there in its lowest reaches neither can nor does run back into the river.

This water finds its way on easier lines to the Gulf of Mexico. In other words, the levees of the river are the only hills in this lower country. The highest land is next to the river. This land slopes from the river to swamps, lakes, creeks, and bayous and thus finds its way to the Gulf of Mexico. So spillways cut into these levees would spill the waters of the river out into the Gulf. Nearly everyone in America is acquainted with the ordinary formation of the earth around brooks, creeks, and rivers. In Louisiana alone we go up to the river; and when the river is in flood we go way up to the top of the levee and find the swollen Mississippi on top of the levee. In flood time this great river, a mile wide, in some places 200 feet deep, with its current speeded up by flood pressure, is an awe-inspiring and terrifying sight.

We all know the damage to property done by the flood of 1927. Governmental authorities quote estimates of \$236,000,000 direct and of \$200,000,000 indirect losses—a total of \$436,000,000. Yet only two or three lives were lost in this flood in Louisiana, while recently flood waters probably not one-hundredth of the volume of the Mississippi River flood are reported to have killed scores of people in New England. The answer is to be found in the confinement of the New England flood in hills and mountains. I am told that dynamite burns without explosion or damage if it is not confined. The floods in Louisiana spread out over almost flat ground. This lessens their danger to life.

#### THE SYSTEM BEHIND THE LEVEES

So, to eliminate flood danger in Louisiana, we propose to tap the flood waters and drain them off, and run them into the Gulf. "If it is all so simple, common sense, and easy, why has it not been done before?" you may ask. The reason is partly to be found in the fact that De la Tour's levee worked, that all the other levees have worked after a fashion, and the levees almost always work on one side of the river. For, in flood time, if the levee breaks on the other side of the river, the waters rush out, flood heights are lowered, pressure is relieved, and the man on the safe side blesses the levees and believes in them.

If the levees broke in flood time, it was because they were not high enough and not strong enough. Again, there were rich levee districts which could build powerful levees. These people felt secure in flood time, because they lived behind strong links in the chain, and they felt almost sure that their powerful levees would turn the river floods loose on thin, weaker, and poorer levees across the river a bit downstream.

Then back of the levees there grew up a system. De la Tour was an engineer. He built levees. The next engineer built levees, and the next generation of engineers built them, and so on down. The power of human selfishness, the power of government, the power of money, the power of social interest, and the power of habit and tradition, stood back of the levee system. No one could prove that it would not work, provided the levees were built high enough and strong enough, and, of course, it would have worked if the levees could have been built high enough and strong enough. Undoubtedly it worked in periods of low water in the river, in normal water, and in ordinary high water, and there is unusual or unprecedented high water only once in 10 or 12 years.

Again, levees are the first line of defense in any plan of battle against the floods of the Mississippi River, and as a practical matter, they constitute the only line of defense that could be created against river floods in most sections during the centuries which have elapsed during the fight of the white man against the floods of the river. They are the infantry. No one is yet sufficiently progressive or so fantastic as to suggest the creation of a modern and effective army with the infantry eliminated. The most that anyone urges is that the army be rounded out with cavalry, aircraft, artillery, tanks, and other approved equipment.

De la Tour could throw up dirt embankments along the river, could plan to surround the little military outpost of New Orleans with mud walls, and his scheme did work. Generations had to elapse before men and money enough could be commanded to dig a great ditch, or spillway, along the city from the river to the lakes, and thereby detour the floods away from New Orleans. And if this had been possible then, think of the howl that would have gone up from the gentlemen who owned the lands through which the first spillway was to be built. No one wants a spillway on his property and no one wants a spillway next to his property. Everyone wants the water kept off his property. If it has to be put somewhere else, well and good, but not where it will affect the interests of "me and my wife, and my son John and my daughter Sally."

No one can remember when the first voice of protest was raised against the confinement theory and the confinement practice of fighting these floods. Everyone along the southern reaches of the Mississippi knows that the whole argument was started before his day.

But the fellow with the outlet or spillway theory had only the idea. The men who controlled the Government and the money built the levees.

Values back of the levees were established on the basis of confidence in the levees. To question the levees-only theory was to put yourself in the light of a trouble maker, an opponent of the status quo, a visionary.

You were really questioning the conduct of the war—the war of your own people to protect life and property from Mississippi River floods—and what did you have to offer after all? Only a theory. It is true that it was backed up by the accepted fact that water will run down hill. It was true that the floods mounted higher and higher; that they always broke the levees, flooded the country, creating increasing menace and destruction. It was also true that if the levees had been high enough and strong enough the flood would have been forced on through the river to the Gulf.

#### THE GOVERNMENT TAKES A HAND

Basically the reason for opposition to spillways and outlets for the river in Louisiana grew out of the limited appropriation of money made by the Federal Government for river control from Cairo down. Take the case of the man at Greenville, Miss., for example. Spillways and outlets in Louisiana would have eaten up a great proportion of the several millions of dollars' appropriation available for Federal purposes for all flood-control work along thousands of miles of levees. If the money went into spillways in Louisiana it would not go into levees at Greenville.

No one then dreamed that spillways and flood ways might relieve Greenville of its flood heights; and to resort to another method of river flood control, in addition to levees, meant an implied reflection on the integrity of levees as a method of flood protection. So up the river Senators, Congressmen, business men, and members of levee boards, and the people generally, fought for the status quo, and fought everyone else who fought for a change.

As a result of the 1912 flood agitation by Louisianians in Washington the House of Representatives took flood control out of the hands of the Rivers and Harbors Committee and constituted a new Committee on Flood Control.

Through the agency of this committee south Louisiana, including New Orleans, finally secured the adoption of a bill by Congress, April 17, 1926, authorizing the appointment by the Secretary of War of a board to survey the lower river sections and report on the construction and maintenance of controlled and regulated spillways in the lower Mississippi. Chief of Engineers Taylor and his successor, General Jadwin, consulted on the naming of this board.

A year from the date of the passage of this act south Louisiana was fighting the greatest recorded flood in her history. The report of this board, popularly known as the spillway board, is now one of the published documents of the Government. The board consisted entirely of



Army engineers. Col. William P. Wooten was chairman. It reverses the old confinement or levees-only theory, recommends in one of its projects a vast spillway or flood way down the Atchafalaya Basin of Louisiana, and recommends spillways above and below New Orleans. Thus the spillway and flood-way theory was adopted by an official agency of the Government.

#### FOR MODERN FLOOD FIGHTING

In the spring of 1927 Gen. Edgar Jadwin, Chief of Army Engineers, authorized the publication of a statement that spillways would be recommended for New Orleans and the lower river. With the opening of the Seventieth Congress President Coolidge submitted to Congress the report of General Jadwin on the flood problem along the Mississippi from Cairo, Ill., to the Gulf of Mexico. That report, like that of the spillway board, is a revolutionary document in its recommendations for Mississippi River flood control, for it provides flood ways and spillways along the greater part of the length of the lower Mississippi. Simultaneously with the report of the Chief of Engineers the Government published the exhaustive studies and recommendations made in the reports of the Mississippi River Commission. That commission comes out for flood ways along the upper river, for a great flood way running through the Atchafalaya Basin in Louisiana, and recommends spillways in the main line of the Mississippi levees above and below New Orleans.

In other words, when the engineering and scientific world determined that it was no longer practicable to control the floods of the Mississippi by levees and confinement alone, it moved over as a practical unit to the theory of fighting floods with flood ways, spillways, and in taking into consideration all modern flood-fighting weapons.

The layman naturally asks whether the new methods will work. The answer of some millions of laymen as well as of the civilian engineers and river experts who lived in the lower valley is practically unanimous that any one of the schemes proposed will absolutely do away with menace from any known or recorded flood and with the menace of a theoretical flood something more than 20 per cent greater than any Mississippi River flood that anyone knows anything about. All the schemes which come with recent governmental approval will work. Any of them, carried out, will provide safety to those who live along the lower river.

Will the spillways work? Of course they will. They always have worked. When the flooding river has broken through the levees in south Louisiana the water has always run out, and has lowered flood heights for distances above and below the crevasse. A crevasse is generally referred to as a natural break; only once in the history of Louisiana is there record of a crevasse or cut in the levees having been made lawfully, and by man's instrumentality.

When the great flood of 1927 was bearing down on New Orleans the leading men of the city decided that they would not wait for nature to take its course. They knew that the levees of New Orleans were stronger than were the levees in the country districts above and below the city. But they did not want to wait for the accident of the inevitable crevasse which would come somewhere, create a natural spillway, and protect everybody else in the neighborhood except those who were overflowed by the crevasse. So, after negotiation with all the authorities, it was determined to create a cut, or spillway, at a point on the east bank of the river known as Caernarvon. This spillway created at Caernarvon worked just as did the Poydras crevasse a few miles distant. This crevasse was a natural spillway created by the river in a flood of 1922. Both lowered flood heights at New Orleans almost  $2\frac{1}{2}$  feet.

Somehow, in the flood of 1927, the fact that New Orleans has evidenced her faith in spillways by her deeds seems to have been overlooked. The city, operating through its levee board, went down the river 50 miles, acquired title to thousands of acres of swamp lands and destroyed the levees on the east bank of the river for a distance of 12 miles. There, below Pointe a la Hache, out of its own funds, it created an experimental spillway. This spillway took from a half to three-quarters of a foot off flood heights at New Orleans in the 1927 flood. And in times of flood every inch of flood height is important.

It would seem to any sensible man who knows the flood problem in the lower Mississippi that it should have been solved long ago. This is the great river of the United States, and nothing appeals more to the imagination of the American people than the doing of a great work in a great way. It takes a big river, operating in a big country, to do four or five hundred million dollars' worth of damage when it goes on the rampage in just one of its many great floods. It's easy to write about it, to talk about it, and to evolve theories and opinions on the question of controlling it, but it has not been easy to get something really done about it.

#### THE PLAN AND THE MONEY

There must be complete Federal control and complete Federal responsibility for the Mississippi River. New Orleans people can express this opinion without being subject to carping or unfair criticism, because New Orleans has always built and maintained her own levees. Neither Federal nor State Governments have contributed anything material to the millions upon millions of dollars which have gone into the giant fortification of earth which New Orleans has thrown up to protect the

city from the river. New Orleans has contributed to the building of levees and spillways in other sections of the State. New Orleans has always protested against the piecemeal system of flood control which has grown up, an evolution based on the policy of doing the best one can with the tools in hand.

The floods in the river can be controlled by some such system as that which enabled the Federal Government to take over the Panama Canal and construct it after vast losses and disastrous failures had occurred as a result of previous attempts to design and build the canal. You can't drive a nail with a tack hammer. Canute couldn't sweep back the tides with his broom, and you can't finally solve a vast engineering and economic problem such as is presented by the floods of this river without a great plan, carried out by men of great ability, with resources ample to do the work when and as it needs to be done. Fighting and conquering the floods of the Mississippi is war.

The plan without the money is of no good to the people of the lower river. The people who might have been induced to contribute were practically wiped out of resources by the 1927 flood. Many of their levee districts were taxed to the limit before 1927. Farming has not been too prosperous an occupation anywhere. These poor people in the overflowed region thought that they were making an investment in taxing themselves to the limit in building levees. Will their neighbors on high ground tax themselves by State bond issues to make material contributions to a national flood plan as part of the Nation? Nationally they will. For a local flood plan they will not. Suppose Mississippi and Louisiana agreed, and Arkansas refused. A flood-control system is a chain. If the links are not supplied in Arkansas, Louisiana would be flooded from Arkansas, and so it would go.

#### PASSING ON THE FLOODS

Perhaps we needed the vast and disastrous flood of 1927 to concentrate the attention of America and the world on this problem. Surely it was an expensive bit of publicity. Some of us who have struggled with this problem, who realize its vast importance and the terrible potentialities of the river for further havoc, appreciate most keenly the many expressions of kindly feeling and sympathy which have come to us. We appreciate the well-meant intent of some of the advice we receive as to the perils which surround us in legislation at Washington. But what we really need is help in passing a sane bill which will provide money and start the dirt to flying.

The condition of the main stem of the Mississippi River from Cairo to the Gulf undoubtedly creates a national emergency. The executive departments of the Government recognize this, and Congress shows a disposition to recognize this. The river itself is unique; its major flood problem is unique among all national flood problems.

Is there not equal argument for emergency legislation on the tributaries of the river? Yes and no. The great floods in the river may come from any single tributary, or from a set of tributaries flooding simultaneously. They may come from Pennsylvania, Tennessee, Ohio, Montana, the Dakotas, or Oklahoma. But wherever they start, they must come into the main stem of the river between Cairo and the Gulf.

Unprecedented rainfall in any one of the 31 States of the Union adds to the flood menace to Louisiana. Rainfall in any place in the valley, except in Louisiana, creates flood heights in the Mississippi in Louisiana. If the rain falls in the lower section of the State it drains away from the river and goes directly to the Gulf.

What makes our flood menace in Louisiana? First, the clearing and draining of the lands in the upper Mississippi Valley. Every possible expedient has been adopted up there for passing the bulk of the surplus water of the upper valley on down the river. Lands are tilled, drained, and leveed. Machinery for shooting floods down on us is perfected. Louisiana has pursued a policy of trying, in turn, to pass these ever-swelling waters along to the Gulf through the narrow mouths of the Mississippi and the Atchafalaya. It can not be done.

Now, the facts are that we in Louisiana don't intend to agree to the construction of more works of any kind which will dump greater floods down on us in a greater lump unless necessary works are intelligently created to aid in getting rid of these waters. In other words, the place to begin taking care of the floods of the Mississippi River is at the mouth of the stream, where the floods accumulate. Build us plenty of outlets here and we can safely take care of all of the flood waters the valley passes to us.

Louisiana lost \$60,000,000 directly in the 1927 flood. About 200,000 of her citizens were flooded out and rendered homeless. Tens of thousands were impoverished and consequential losses were almost as great as were direct losses.

If the State could have induced the Federal Government to aid in establishing spillways or outlets for this water, not a dollar of damage would have been done in the State of Louisiana by the 1927 flood. No one in America has ever seen a flood volume equal to that of the 1927 flood. Yet with intelligent and relatively simple engineering works constructed along the Mississippi in Louisiana a flood much greater than the 1927 flood could be controlled without the loss of a single life and without damage to a dollar's worth of property.

Our real trouble with the Mississippi River problem has been a lack of ability to make our problem known to the American people, to impress the country with the need of action at Washington.

Leaders in America's politics and national thought and affairs preach to Louisiana from a distance, without either knowing or understanding the State, its people, and its problems.

As the fight for flood-control legislation opens up in Congress the country is bound to be confused as to whether we along the river have done our share and as to whether we are now asking something unfair.

Have we contributed locally to protect ourselves from the floods the Nation's river brings down on us from 43 per cent of the Nation's area?

Within a given period in Louisiana—since the time that the Nation began to contribute at all—local interests have put up \$110,000,000, while the Nation has put up \$32,000,000.

As for the river States from Cairo to the Gulf, I quote from an analysis of General Jadwin's report made by ex-Senator Leroy Percy, of Mississippi, for Chairman FRANK REID's House of Representatives Flood Control Committee. Says Senator Percy:

"General Jadwin gives the expenditures by the localities since 1882 at \$167,000,000, and the expenditures prior to 1882 at \$125,000,000, making \$292,000,000. If to this you add the amount which he estimates to have been the direct loss from the 1927 flood—\$236,000,000—you have in contributions and flood losses of a single year \$528,000,000, against a contribution for levees by the National Government of \$71,000,000, an excess contribution by localities up to this time of \$457,000,000."

Senator Percy did not add the \$200,000,000 of consequential losses to his staggering total of Nation's losses. But this item created additional reason for the investigation and report on Mississippi Valley flood losses by the National Chamber of Commerce.

Mr. TILSON. Mr. Speaker, it is evident that there is going to be considerable discussion on this bill. A number of amendments are now pending, including some committee amendments. It does not seem practical to finish the bill to-night, unless we run until very late. I wonder if the District Committee would not be willing to let the matter go over as unfinished business until next District day.

Mr. UNDERHILL. Mr. Speaker, it is a matter of indifference to me whether this goes over as unfinished business until next District day, or whether it is voted upon to-day, or whether it is killed. That is a very frank expression, but I say, let us get it out of the way.

Mr. BLANTON. It would be better to have it go over as unfinished business until next District day, and then we can finish it.

Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it will call up on the next District day.

Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.

Mr. TILSON. Let it go over as unfinished business.

Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Very well, just so long as it holds its place.

#### TENTH NATIONAL CONVENTION OF THE AMERICAN LEGION

Mr. GARNER of Texas. Mr. Speaker, I call up the bill (S. 3387) to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion. An identical bill to this has been favorably reported from the Committee on Military Affairs and is now on the calendar. The Senate bill has just been sent over and is on the Speaker's desk.

The SPEAKER. The gentleman from Texas calls up the bill S. 3387, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and is hereby, authorized to lend, at his discretion, to the Tenth National Convention Bureau, American Legion, for use at the tenth national convention of the American Legion to be held at San Antonio, Tex., in the month of October, 1928, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, 10,000 mattresses or bed sacks, and such field kitchens, tables, eating and cooking utensils and appurtenances as may be necessary for use in temporary restaurants: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the general director of said tenth national convention bureau, the American Legion, Mr. Philip B. Stapp: *Provided further*, That the Secretary of War before delivering said property shall take from said Philip B. Stapp a good and sufficient bond for the safe return of said property in good order and condition, and whole without expense to the United States.

Mr. TILSON. Mr. Speaker, I understand that this is a House Calendar bill?

The SPEAKER. This is a Senate bill and a similar House bill is reported and is now on the calendar.

Mr. TILSON. It does not require unanimous consent?

The SPEAKER. It does not. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11465) was laid on the table.

#### LEAVE TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Wednesday next, following the special order, the gentleman from Texas [Mr. WURZBACH] be permitted to address the House for 50 minutes.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, on what subject?

Mr. TILSON. I think it is probably on the protective tariff or something of that sort. As I understand, it is a political speech.

Mr. BLANTON. Mr. Speaker, reserving the right to object, our genial colleague from Texas [Mr. WURZBACH] is making that speech on the eve of his leaving for his speaking campaign in Texas.

Mr. TILSON. Possibly that is correct.

Mr. BLANTON. Would the distinguished floor leader mind telling the House whether he and his administration in asking for this time for the gentleman are backing him in his fight down there?

Mr. TILSON. I do not know what his fight is; but I am backing him as a Member of this House, and am asking for him this courtesy as I would for any other Member.

Mr. BLANTON. I shall not object.

Mr. TILSON. And I am impartial in that respect, often making similar requests for those on the Democratic side.

Mr. BLANTON. I would like for the Republicans in Texas to know that the gentleman from Connecticut is backing the gentleman from Texas [Mr. WURZBACH].

Mr. TILSON. I am backing him—

Mr. BLANTON. Good!

Mr. TILSON. To this extent at any rate.

Mr. SPEAKER. Is there objection?

There was no objection, and it was so ordered.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) entitled "Joint resolution providing for a commission to investigate and report upon the facts connected with the sinking of the submarine S-4, and upon methods and appliances for the protection of submarines," and adheres to its amendments to said joint resolution.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock noon.



## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 27, 1928, as reported to the floor leader by clerks of the several committees:

## COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

## COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

## COMMITTEE ON IMMIGRATION AND NATURALIZATION—CAUCUS ROOM

(10.30 a. m.)

To permit admission within quota of relatives of declarants who have been admitted into the United States prior to July 1, 1924 (H. J. Res. 234).

## COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish uniform requirements affecting Government contracts (H. R. 5767).

## COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To establish the Onachita national park in the State of Arkansas (H. R. 5720).

## COMMITTEE ON ROADS

(10 a. m.)

To authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington (H. R. 4625).

## COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider a bill proposed by the Secretary of the Navy amending an act of June, 1920.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

418. A letter from the Governor of Federal Reserve Board, transmitting the fourteenth annual report from the Federal Reserve Board, covering operations during the year of 1927 (H. Doc. No. 205); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

419. A letter from the Secretary of the Navy, transmitting, in response to House Resolution 137, Seventieth Congress, certain information relative to the United States naval ordnance plant, South Charleston, W. Va. (H. Doc. No. 206); to the Committee on Naval Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 8537. A bill for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve; with amendment (Rept. No. 1054). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 2481. A bill for the relief of Oliver C. Macey and Marguerite Macey; with amendment (Rept. No. 1046). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4839. A bill for the relief of the Press Publishing Co., Marianna, Ark.; without amendment (Rept. No. 1047). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 10336. A bill for the relief of Nannie Swearingen; without amendment (Rept. No. 1048). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 4111. A bill to correct the naval record of Peter Hansen; with amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4827. A bill providing for the promotion of Chief Pharmacist Lau-

rence Oliphant Schefky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy; without amendment (Rept. No. 1050). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Claims. H. R. 8358. A bill for the relief of the parents of Wyman Henry Beckstead; with amendment (Rept. No. 1051). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11978. A bill granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. J. Res. 47. A joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. S. 19. An act for the relief of Frank Topping and others; without amendment (Rept. No. 1055). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6774) for the relief of Pitt Smith; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 7445) for the relief of Sheldon R. Purdy; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9599) for the relief of Jose M. Alcover; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 11497) for the relief of Nelson E. Frissell; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 12362) for the relief of Hattie Harris; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10184) granting an increase of pension to Lillian V. Mauger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12404) authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 12405) granting the consent of Congress to the St. Croix Interstate Bridge Co., of Grantsburg, Wis., to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 12406) to readjust the pay of certain commissioned officers of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12407) to authorize the refund of visa fees in certain cases; to the Committee on Immigration and Naturalization.

By Mr. ELLIOTT: A bill (H. R. 12408) authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; to the Committee on Public Buildings and Grounds.

By Mr. HOGG: A bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

By Mr. PEAVEY: A bill (H. R. 12410) for securing the uniform grading of fur, preventing of deception in transactions in fur, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12411) authorizing the Federal Power Commission to issue permits and licenses on Salt River, Ariz.; to the Committee on Indian Affairs.

By Mr. MORROW: A bill (H. R. 12412) to amend section 500 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 12413) authorizing the erection of a sanitary, fireproof dormitory and infirmary to be used for the housing, maintenance, and treatment of disabled women veterans only; to the Committee on Military Affairs.

By Mr. SELVIG: A bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States; to the Committee on the Post Office and Post Roads.

By Mr. GIBSON: A bill (H. R. 12416) to revise, amend, and reenact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States; to the Committee on the District of Columbia.

By Mr. CARSS: Joint resolution (H. J. Res. 249) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 250) to change the name of the Panama Canal; the Gatun Locks, Dam, Spillway, and Lake; and the Pedro Miguel Locks, Dam, Spillway, and Lake; and also the Miraflores Locks, Dam, Spillway, and Lake; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Joint resolution (H. J. Res. 251) providing for the severance of treaty relations between the United States and Rumania; to the Committee on Foreign Affairs.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. LINDSAY: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

By Mr. BOYLAN: Memorial of the Legislature of the State of New York, calling upon Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12417) granting a pension to Clara L. Dawson; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 12418) for the relief of Julius Goldenberg; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 12419) granting a pension to Roxie Coughorn; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 12420) granting an increase of pension to Rhoda Sprinkle; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12421) for the relief of Arthur D. Moore; to the Committee on Military Affairs.

By Mr. GARDNER of Indiana: A bill (H. R. 12422) granting an increase of pension to Cornelia Ann Bailey; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 12423) granting a pension to Mary F. Buckles; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 12424) for the relief of William Fisher; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12425) granting an increase of pension to Eleanor F. Gillespie; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12426) granting an increase of pension to Amy Lampman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12427) for the relief of W. R. Adams; to the Committee on the Civil Service.

Also, a bill (H. R. 12428) granting a pension to Henry Stidham; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12429) granting an increase of pension to Norah Barry; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12430) granting an increase of pension to Elizabeth I. Exceen; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 12431) for the relief of the Squaw Island Freight Terminal Co. (Inc.), of Buffalo, N. Y.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 12432) granting a pension to Alvin L. Hagood; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 12433) granting an increase of pension to Harriett A. Traynor; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 12434) granting an increase of pension to Charles A. Meese; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12435) for the relief of W. R. McLeod; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12436) granting a pension to Louisa De Buke; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 12437) granting a pension to Louise Jones; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 12438) for the relief of Ada T. Finley; to the Committee on Claims.

Also, a bill (H. R. 12439) for the relief of Ambrose R. Tracy; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 12440) granting an increase of pension to Frances A. Shutts; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5944. Petition of Chamber of Commerce of Pittsburgh, Pa., expressing its opposition to Senate bill 1482, known as the Shipstead bill; and to House bill 7759, known as the LaGuardia bill; to the Committee on the Judiciary.

5945. By Mr. BERGER: Memorial of the Benjamin Tallmadge Chapter, National Society of the Daughters of the American Revolution, of Milwaukee, Wis., approving Joint Resolution 11, establishing a flag code; to the Committee on the Judiciary.

5946. By Mr. BLOOM: Petition of A. W. Pulis, 470 West One hundred and forty-sixth Street, New York City, and hundreds of other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

5947. By Mr. BOHN: Petition of citizens of Mackinaw City, Mich., not to pass Sunday observance bill; to the Committee on the District of Columbia.

5948. By Mr. BOYLAN: Petition of the Maritime Association of the Port of New York, urging upon Congress the desirability of the early enactment of House bill 9195, parcel-post agreement with Cuba; to the Committee on Ways and Means.

5949. Also, resolution by Colonel Robert Loghry Post, No. 446, favoring the passage of Senate bill 1896 and House bill 6523; to the Committee on Military Affairs.

5950. By Mr. BULWINKLE: Petition of 38 citizens of Madison County, N. C., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5951. By Mr. BURTON: Resolution of Cleveland Branch of the National Alliance of Postal Employees, Cleveland, Ohio, approved March 18, approving House bill 390, providing an increase in pay for laborers or service clerks in all branches of the Post Office Department; to the Committee on the Post Office and Post Roads.

5952. By Mr. CARLEY: Petition of Board of Estimate and Apportionment, city of New York, to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

5953. By Mr. CARTWRIGHT: Petition of citizens of Bryan County, Okla., against compulsory Sunday observance; to the Committee on the District of Columbia.

5954. Also, petition of 50 citizens of third congressional district of Oklahoma, urging immediate steps to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5955. By Mr. CRAIL: Petition of the Arkansas State Society of southern California, for the passage of the Boulder Dam bill; to the Committee on Flood Control.

5956. Also, petition of Los Angeles Central Labor Council, for the passage of the Dyer bill (H. R. 390) providing for increased salaries of the laborers in the United States post offices and in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

5957. Also, petition of Mrs. Burt Cole and sundry citizens of Los Angeles County, Calif., for the relief of the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5958. By Mr. CULLEN: Resolutions of the Maritime Association of the Port of New York, protesting against the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5959. By Mr. CURRY: Petition urging increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.



5960. By Mr. ENGLEBRIGHT: Petition of Modoc County Development Board, Alturas, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5961. Also petition of Red Bluff Chamber of Commerce, Red Bluff, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5962. Also, petition of Chamber of Commerce of Oroville, and allied communities, California, favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5963. Also, petition of board of directors of the Grass Valley Chamber of Commerce, Grass Valley, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5964. Also, petition of the board of supervisors of Lassen County, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5965. Also, petition of Westwood Auto Club, of Westwood, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5966. Also, petition of Beverly Hills Chamber of Commerce, Beverly Hills, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5967. Also, petition of Lodi District Chamber of Commerce (Inc.), Lodi, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5968. By Mr. GALLIVAN: Petition of St. Brendan Society, of Boston, Michael H. Murphy, secretary, 91 Marcella Street, Roxbury, Mass., recommending early and favorable consideration of Senate bill 1667, pertaining to the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5969. By Mr. GARBER: Petition of residents of Pond Creek, Okla., in support of the McNary-Haugen bill; to the Committee on Agriculture.

5970. Also, letters of W. H. Stigall, Tonkawa, Okla.; Dr. D. Frances Kelsy, Enid, Okla.; and J. B. Woods, Tonkawa, Okla., in opposition to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5971. Also, letter of William Miles, Soldiers' Home, Calif., in regard to abolishing the Veterans' Bureau and transferring its duties to the Pension Bureau; to the Committee on World War Veterans' Legislation.

5972. Also, petition of residents of Woodward and Enid, Okla., in regard to legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

5973. Also, letter of George N. Suit, secretary Independent Order Odd Fellows, Lodge No. 203, Ames, Okla., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

5974. Also, letter of T. J. McNeely, of Goltry, Okla., in support of Senate bill 1729 and House bill 7900; to the Committee on the Post Office and Post Roads.

5975. Also, petition of officers of the Woman's Christian Temperance Union, Billings, Okla., in support of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5976. By Mr. GRIEST: Petition of Mrs. William J. Rapp, president of American Legion Auxillary, Paradise, Pa., favoring passage of House bill 6523, proposing to increase monthly allowance of retired soldiers; to the Committee on Military Affairs.

5977. Also, petition of William H. Seidhof, councillor, and Joel A. Bair, secretary, of Intercourse (Pa.) Council No. 650, Fraternal Patriotic Americans, advocating enactment of so-called Johnson deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5978. Also, petition of citizens of Pennsylvania, protesting against the passage of House bill 78, proposing to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

5979. By Mr. GRIFFIN: Petition of Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be exempt from income tax; to the Committee on Ways and Means.

5980. By Mr. HOFFMAN: Petition of Charles Van Liew and 42 others, of Belmar, N. J., favoring legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5981. By Mr. KVALE: Petition of R. R. Whitney, B. A. Whitmore, and George W. Bullard for General Warren Chapter, Sons of American Revolution, Montevideo, Minn., urging operation of the national-origins clause in the immigration act of 1924 and protesting against any repeal of or modification of said act; to the Committee on Immigration and Naturalization.

5982. By Mr. LINDSAY: Petition of Board of Estimate and Apportionment, city of New York, being a certified copy of resolution adopted on March 22, 1928, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be made exempt from income tax; to the Committee on Ways and Means.

5983. Also, petition of Aviators Post, American Legion, New York, urging favorable reporting out of the Tyson-Fitzgerald bill, without amendment; to the Committee on World War Veterans' Legislation.

5984. Also, petition of metal trades department, American Federation of Labor, praying for support of the Douglass amendment to the naval construction program in order to alleviate present serious unemployment condition and to prevent further release of navy-yard employees; to the Committee on Appropriations.

5985. Also, petition of Sweet-Orr & Co. (Inc.), New York City; Gardner Broom Co.; American Broom & Brush Co.; and Amsterdam Broom Co., of Amsterdam, N. Y., favoring the enactment of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

5986. Also, petition of New York Association of Biology Teachers, urging favorable action on the Copeland-Wainwright bill, designed to acknowledge to those who took part in the Reed yellow-fever experiment, particularly Pvt. John R. Kissinger; to the Committee on Interstate and Foreign Commerce.

5987. Also, petition of William H. Kobbe, 12 East Forty-first Street, New York City, urging the passage of Tyson-Fitzgerald bill; to the Committee on Rules.

5988. Also, petition of the International Association of Fire Chiefs to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5989. Also, petition of Brooklyn Chamber of Commerce, indorsing legislation to discontinue governmental operation of the merchant marine and the establishment of a constructive program to build up a private American ownership and adequate operation, including encouragement of private shipping through trade-route and mail contracts; to the Committee on the Merchant Marine and Fisheries.

5990. Also, petition of Brooklyn Bar Association, being a set of resolutions favoring House bill 5774, and an increase of judges for the eastern district of New York by at least one; to the Committee on the Judiciary.

5991. Also, petition of Second Division Chapter, National Council of Officials of the Railway Mail Service, New York City, favoring the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

5992. Also, petition of Admiral Schley Naval Squadron, No. 16, Brooklyn, N. Y., favoring, in a resolution, enactment of the Welch bill, granting increase of salaries to Federal employees; to the Committee on the Civil Service.

5993. By Mr. McFADDEN: Petition of residents of Monroeton, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5994. Also, petition of residents of Mill City, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5995. Also, petition of residents of North Towanda, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5996. By Mr. MAPES: Petition of Rev. James M. Martin and 125 others, members of the Third Reform Church at Holland, Mich., recommending the enactment of House bill 78, the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

5997. By Mr. MARTIN of Massachusetts: Petition of Mildred L. Tingley and 23 others, Mrs. James Richardson and 19 others,

and Roger C. Barsey and 17 others, of Bristol County, Mass., protesting against enactment of so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5998. By Mr. NELSON of Missouri: Petition signed by Lucy Willoughby and others, all citizens of Bunceon, Mo., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5999. Also, petition in behalf of Civil War veterans and their dependents, signed by Edward Barchard and other citizens of Chamois, Mo.; to the Committee on Invalid Pensions.

6000. By Mr. O'CONNELL: Petition of the Board of Estimate and Apportionment of the City of New York, favoring amendment to section 116 of the Federal income tax law, so that the revenues from the railroad operation in which the city of New York is financially interested shall be made exempt from income tax, as more specifically set forth in attached resolution; to the Committee on Ways and Means.

6001. Also, petition of Hon. Manuel L. Quezon, president Philippine Senate, opposing the passage of Senate bill 2787 and House bill 10074, for the appointment of governors of the non-Christian Provinces in the Philippine Islands without the consent of the Philippine Senate; to the Committee on Insular Affairs.

6002. Also, petition of the New York Association of Biology Teachers, favoring the passage of the Copeland-Wainwright bills for the placing of the names of certain individuals on the rolls of the War Department and to authorize the Board of Regents of Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

6003. Also, petition of the National Association of Manufacturers, New York City, favoring some measure of corporate income tax reduction at this session of Congress; to the Committee on Ways and Means.

6004. Also, petition of the Amsterdam Broom Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6005. Also, petition of Harriet C. Martin, 131-150 One hundred and seventh Avenue, Richmond Hill, Long Island, N. Y., and 40 other citizens of the ninth congressional district of New York, opposing the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

6006. Also, petition of Maurice Stember, adjutant New York Department, American Legion, favoring the Tyson bill without amendment, as the bill passed the Senate; to the Committee on World War Veterans' Legislation.

6007. By Mr. O'CONNOR of New York: Resolutions of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6008. By Mr. PRATT: Petition of residents of Hudson, Columbia County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6009. Also, petition of residents of Sharon Springs, Schoharie County, N. Y., and 20 members of the Men's Bible Class of the Methodist Episcopal Church of Philmont, Columbia County, N. Y., urging favorable action on House bill 11410; to the Committee on the Judiciary.

6010. By Mr. RATHBONE: Petition from 36 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6011. By Mr. SANDERS of Texas: Resolutions by the Henderson Chamber of Commerce, asking for an appropriation of \$6,000,000, or so much thereof as may be necessary, to exterminate the pink bollworm; to the Committee on Agriculture.

6012. By Mr. SELVIG: Petition of Mr. and Mrs. Fred N. Larson, residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6013. Also, petition of Grace E. Craik, resident of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6014. Also, petition of Maude Shave, citizen and resident of Fergus Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6015. Also, petition of Andy Craik and other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6016. Also, petition of Adelaide Quale, citizen of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6017. By Mr. SWING: Petition of citizens of Riverside, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6018. By Mr. WELCH of California: Petition from Columbia Typographical Union No. 101, Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6019. Also, petition of Merchants and Manufacturers Association (Inc.), Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to increase the salaries of Federal employees; to the Committee on the Civil Service.

6020. Also, petition from W. L. White, general manager, Yosemite Valley Railroad Co., Merced, Calif., favoring the passage of House bills 5819 and 8549, relating to the exemption of short-line railroads; to the Committee on Interstate and Foreign Commerce.

6021. Also, petition submitted by the United States Employees Association, containing 52 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6022. By Mr. WELSH of Pennsylvania: Petition advocating passage of House bill 6518, providing a minimum rate of \$1,500 per annum for all Government employees; to the Committee on the Civil Service.

6023. By Mr. WINTER: Petition of Logen Fjallets St. Jarna, No. 236, Vasa Order of America, Rock Springs, Wyo., protesting against the new immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

6024. Also, resolutions from Cody Club, Cody, Wyo.; the Star Valley Commercial Club, Afton, Wyo.; and the board of directors of the Casper Chamber of Commerce, Casper, Wyo., in support of House bill 7343, a bill for increasing appropriation for forest highway construction; to the Committee on Roads.

## SENATE

TUESDAY, March 27, 1928

The Chaplain, Rev. Zeb Barney T. Phillips, D. D., offered the following prayer:

O Father of all, who art wisdom and beauty and goodness, whose spirit ever strives in the souls of men, we thank Thee that Thou hast made us heirs of Thy creative power throughout the ages and called us to share Thy burden of redemption. Renew in us, we pray, the gift of wonder, the joy of discovery, and the everlasting freshness of experience in every day's most quiet need. Purify our lives and sanctify our homes; that our land may be filled with abundance of peace. Touch with live coals from off the altar of devotion the lips of these Thy servants, that in word and power they may be prophets of the new dawn of righteousness when all mankind shall serve Thee and worship Thee in the beauty of holiness. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal approved.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;